

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD

In the matter of:)
)
)
DCA03MM018 SINKING OF U.S.)
PASSENGER VESSEL PANTHER ON)
DECEMBER 30, 2002 NEAR)
EVERGLADES CITY, FLORIDA)
)

Office of Marine Safety
NTSB
490 L'Enfant Plaza East, S.W.
Washington, DC 20594

Thursday,
January 2, 2003

TAPE TRANSCRIPTION OF DANIEL MAYE

BY:
ROBERT FORD
Investigator in Charge
National Transportation Safety Board

APPEARANCES:

On behalf of the Agency:

ROBERT FORD
Investigator in Charge
NTSB

JAMES WALSH,
Survival Factors Investigator
NTSB

NICOLE ARROYA
Coast Guard

KIEFER GIER
National Park Service

1 P R O C E E D I N G S

2

3 MR. FORD: January 2, 2003. I am Robert
4 Ford, Investigator in Charge, with the National
5 Transportation Safety Board. With me is Jane Walsh,
6 Survival Factors Investigator, with the NTSB;

7 Nicole Aroya, and Kiefer Gier. Nicole is with the
8 Coast Guard, and Kiefer is with the National Park
9 Service.

10 So if I could just start you out, if you
11 could just state your name, please?

12 CAPTAIN MAYE: James Daniel Maye, M-A-Y-E.

13 MR. FORD: And your age?

14 CAPTAIN MAYE: Age 46.

15 MR. FORD: And could you give us some of your
16 maritime background?

17 CAPTAIN MAYE: I've had recreational boating
18 in excess of 15 years. I've had my commercial
19 passenger license the last three years. I hold a
20 Master 25 Ton Intercoastal with tow, sail endorsement.

21 I've been Vice-Commodore of Bay Sailors Sailing Club,
22 the second largest sailing club in the United States.
23 I've been a volunteer to the Florida Bopper Safety
24 Program, volunteer effort to educate the public towards
25 safe boating. Been very instrumental in making myself

1 available as volunteer effort for many safety
2 education.

3 I do have off-shore experience, and I have
4 logged a Panama Canal transit on a recreational vessel.

5 MR. FORD: How large was this recreational
6 vessel?

7 CAPTAIN MAYE: Sixty foot. It was not
8 passenger for hire. It was a delivery.

9 MR. FORD: When were you hired by Mr.
10 Hamilton?

11 CAPTAIN MAYE: My first day of work was
12 approximately January 15 of this year, 2002. It's a
13 seasonal position, pretty much, most of the Captains
14 that come in about towards the first of December,
15 January and work until the end of the season here in
16 South Florida, which is towards the end of May. The
17 season extended a little bit later, and I ended up
18 working close to the fourth of July. I left out for a
19 summer vacation and I returned back to work here as a
20 Captain on December first of this year. This was my
21 first day back for the new season.

22 MR. FORD: Tell us a little bit about the
23 hiring. How did they find out about them or you find
24 out about them?

25 CAPTAIN MAYE: I did notice a notice in the

1 newspaper prior to me coming down and inquiring about a
2 job position. I had been a boat Captain at the
3 Marriott Hotel in Marco Island, Florida for
4 approximately nine months. The events after 9/11
5 brought the hotel occupancy rate to a very low -- there
6 was not enough passengers to accommodate an additional
7 vessel to take hotel guests out for nature tour
8 excursions, so it forced me to seek some other
9 employment sources and that's how I come to contact in
10 a newspaper article about him in the need of Captains.
11 So I went down and spoke to Mr. Hamilton about a
12 Captain position there.

13 MR. FORD: So you had an interview with him?

14 CAPTAIN MAYE: Informal interview, you know,
15 outside -- very informal.

16 MR. FORD: Did you receive a preemployment
17 drug screening?

18 CAPTAIN MAYE: At that exact date, Bob?

19 MR. FORD: Not at that exact date. Before
20 you started working for him, before you actually got on
21 a boat, did you go for drug screening?

22 CAPTAIN MAYE: No, I didn't. I will say,
23 Bob, that I was already a member of a drug consortium
24 at the time -- American Professional Captains
25 Association -- and whenever I did hand in a resume, a

1 copy of my license and a notice that I belonged to a
2 drug consortium at that time. I don't know if it was
3 applicable, but I did turn those documents in.

4 MR. FORD: Did you have to take any test
5 rides with the boats?

6 CAPTAIN MAYE: I had -- I had one day of
7 training on the Manatee I, I believe it was the first
8 day, and it was with Stanford Daniels was his name
9 there, and you know, I could tell that it was a
10 training, but also that he was checking me out, but he
11 felt confident enough that on the way back in I
12 basically took the wheel and finished the nature
13 narration on the first trip up. I'm very accustomed to
14 doing nature narrations in this area.

15 MR. FORD: We'll get into more specific on
16 training later with Survival Factors. So why don't we
17 just go to the day of the accident, and tell us in your
18 own words what happened. The incidents of that day
19 only.

20 CAPTAIN MAYE: Okay. Very typical day at the
21 park. Keep in mind, the day after Christmas, December
22 26th through January first is a very high level of
23 passenger load on the park. With the exception of
24 Easter week, and spring break week, it's an elevated
25 passenger load. As far as the M... is concerned, all

1 boats need to be in service, ready to go, and pretty
2 much if you're a Captain there, you need to be prepared
3 for a long day and for full passenger loads on your
4 trips.

5 We do four trips per day. We have done five
6 trips per day during Easter week before.

7 There we -- you're not assigned to the same
8 boat each day, and really that's a Captain's
9 preference, so we just prefer to rotate around, and
10 some boats are closed, some are opened cockpit -- it
11 gives you a day on occasion to have an open cockpit
12 day, get some fresh air.

13 But anyway, that day started out very
14 normally. On the way to work I do a visual of the
15 weather conditions, just in my own head. I noticed the
16 winds out of the East about 10 to 12 knots, clear
17 visibility. Head right on in to work. Now I was
18 scheduled to Captain the Panther I, and I was scheduled
19 to be the first boat out at 9:00 a.m.

20 Now, I observed a mechanic, and his name is
21 Kenny Wells, was on board the boat, looked like doing
22 some electrical work on the boat. I conferred with Mr.
23 Wells if my vessel would be ready for the nine o'clock,
24 and he said that it didn't look promising, that he may
25 need to look at the bilge pumps. At that time Kenny

1 Wells conferred with the local -- with the other
2 mechanic, Stanford Daniels, and it was determined that
3 it would be better to hold me back to ten o'clock,
4 bring another boat into the loading area and it
5 basically changed schedules where he would have another
6 hour to look at the electrical system and the bilge
7 pumps on board my boat.

8 The previous day I had not run that boat. So
9 I conferred -- so the other Captain took the nine
10 o'clock and I was scheduled for the ten o'clock trip.

11 At that time I pulled up -- at ten o'clock,
12 when it was time for me to pull up into the loading
13 area, nothing eventful there. Boat responded well to
14 acceleration, no notice of any problems at all. People
15 were already starting to gather, obviously. I did
16 notice -- and at that time of the year you have a lot
17 of families, not many single people. Mainly mom, pop,
18 two/three kids, and so that first trip, very
19 uneventful.

20 I keep a pocket log in my pocket, and I write
21 down the number of passengers that I put on board. I
22 put it in my pocket. Obviously those pages are not
23 available because the afternoon accident, my pages were
24 wet, and I'm missing most of those pages. But what I
25 do -- you know, when I board, I don't count heads, I

1 count empty seats in the Panther. I can't tell you how
2 many passengers I had on board that first trip, because
3 as I mentioned, I'm missing pages out of my log book
4 from that afternoon's incident. But I did not have a
5 full load on that first trip.

6 That trip went uneventful, the best I can
7 recall. Good nature sightings were seen. The boat,
8 the vessel, operated according to my expectations.
9 Came back in, got everyone to disembark from the
10 vessel. No indication of any problems at all at that
11 time.

12 The twelve o'clock trip. Our tours were an
13 hour and a half in duration, and there was a 30 minute
14 break in between. Now, it's not that I can go relax in
15 a lounge area for a half hour. People that are getting
16 off the boat, they want to know, Captain, will you show
17 us on the mural where we can go and look at alligators?
18 Pretty much, you're still working with the crowd after
19 the vessel arrives. You mainly have enough time to get
20 a drink of water, maybe refresh a coffee cup and do a
21 head break, and you're back on the boat to reload.

22 That noon trip -- there was nothing --
23 uneventful about that trip. Now I did have a full load
24 on that trip, and when I'm saying a full load, I had 34
25 passengers, I had two empty seats, to the best I can

1 recall about that second trip. That would have been
2 the noon trip. I returned back pretty much right on
3 time. You know, when you have that many passenger load
4 it's pretty important you watch the schedule of your
5 trips. I came back, disembarked everyone safely and
6 took a quick head break and then was in preparation for
7 my 2:00 p.m. trip.

8 And that was the trip that the incident
9 occurred. That trip also, there were people gathered
10 up waiting to embark on the vessel. I asked if there
11 were any families in attendance because if I have
12 families in groups of four or five, I like to put them
13 all on the back row where they can, obviously, all sit
14 together. The boat is configured for -- there is
15 seating of two, two, two, three, three on each side of
16 an engine cover. There's some single seats -- so I'm
17 trying to accommodate passengers to where they can be
18 with their families. So I usually ask if there's a
19 family of four or five, try to save the back row for
20 them.

21 I also informed everyone that we had a little
22 bit of a light chop on the bay, there may be a little
23 bit of sea spray. It's a very low free-board boat and
24 if you absolutely do not want to get any sea spray, I
25 recommend you sit towards the aft or the back of the

1 vessel. And pretty much, as everyone was coming down
2 the boarding ramp, they pretty much made a
3 determination themselves kind of where they wanted to
4 sit.

5 On that trip they are giving me white tickets
6 that they had purchased inside as they come aboard. So
7 if I see a couple it signifies on the white ticket, two
8 people for the two o'clock, I say, okay, welcome
9 aboard. Now at the end of the day, we just dispose of
10 those tickets.

11 I did notice that -- in retrospect, or later
12 that afternoon, especially where we were trying to get
13 some kind of head count after we got back to shore that
14 I did not have any single people aboard the vessel.
15 You know, the best I recall I had like a family of
16 five, I seated them on the back. I had a mom, pop and
17 a child approximately 12, another one approximately 7
18 years old; a senior citizen couple of Scottish descent,
19 because they had a big, heavy brogue. A couple of
20 other couples, but I didn't have any single people.
21 How I know that is because I had to split some couples
22 up in the single chairs. So I knew it was -- you know,
23 just made a casual memo that looks like I've got all
24 families. And I vary my narration. If it's more
25 family oriented, I'll just -- if I have quite a few

1 singles, you know, there's a little bit of variance in
2 my narration. I just make mental notes on these sorts
3 of things, casually.

4 We all -- I had 34 passengers aboard the boat
5 for that two o'clock run. I had two empty seats.
6 Obviously, when you're putting that many passengers,
7 you can't take the time to count heads or you get half
8 way through and you lose count, and you have to start
9 over. It's easier to count empty chairs on that type
10 of vessel configuration. And I think, more accurate.

11 The office gave me the indication by
12 signalling in the air that I was able to leave, so at
13 that time I latched the gate, started the vessel, and
14 then proceeded to untie it from the dock. I informed
15 everyone, not on the public address system -- there is
16 a public address system -- but just by vocal --
17 everyone please keep your hands and arms inside the
18 boat as your Captain moves away from the boarding area.

19 We -- I gave a stern propulsion at very slow
20 speed left the boat dock. Mainly made my welcome,
21 introduced myself, and then I have a safety spiel that
22 I do each and every time and it does not vary, but I
23 say -- quotation or verbatim -- is that "Folks, I'd
24 like to inform you of some safety features that we do
25 have on the boat. We are required by the United States

1 Coast Guard to inform you of these safety features. In
2 the very unlikely event, if I were to ask you to put on
3 life preservers, I'd like to inform you that they are
4 located underneath the seats in front of you. If I ask
5 you to don the life preservers, I would like for you to
6 please comply with me in that regard. I also would
7 like to inform everyone that we do have a fire
8 extinguisher system on board the boat. We do have a
9 VHF marine radio, so we have constant communication
10 with the base at all times. I hold a Master Mariner's
11 license administered by the Coast Guard. I am
12 predicting, folks, a very safe and stable ride this
13 afternoon, and we've got a beautiful day to be in
14 Florida." That's pretty much standard in my exit out
15 of the boat base each and every time.

16 MR. FORD: That was over the PA system or?

17 CAPTAIN MAYE: Yes, at that time, over the PA
18 system, yes, sir.

19 We proceeded out. I turned slightly to
20 starboard to stay in a privately maintained channel
21 that heads almost a westerly direction. It's a
22 privately maintained channel of about four foot depth.
23 No indications of any boat problem at all. No bilge
24 light indicators came on, engine working properly,
25 everyone aboard in good spirits, very typical tour

1 excursion for me.

2 Got down to the intersection of Indian Key
3 Passage at the western end of the Everglades Airport,
4 and made a 90 degree turn to port, to the left, onto
5 Indian Key Passage. No other vessels in the area. The
6 vessel maneuvered properly. No indications of any
7 problems. Nature was spotted along the way. It was
8 just a very typical tour excursion.

9 Headed out Indian Key Passage, outbound, and
10 approached channel marker number 10 and noticed a small
11 pod of dolphins on the port bow, the pod numbered
12 approximately three, to the best I recall. Now I had
13 been making way probably three and a half, four knots.
14 When I saw the dolphins I thought I would try to pull
15 along side them somewhat. So I accelerated up only to
16 about -- I'm going to say approximately eight to ten
17 knots, and just tried to pull alongside the dolphins,
18 keeping safe distance from them, maybe ten foot, but i
19 was trying to give the passengers a good view of the
20 dolphins. It's a special treat for them.

21 What happens usually on most trips, whenever
22 you do get close to the dolphins, at least several
23 passengers will stand up. Some will move over towards
24 the railing to observe, and you know, I do inform them
25 that once we get underway and get out into stable

1 waters they are allowed to stand up from their seats.
2 I just ask them to keep one hand on the boat. A few
3 moved over towards the port side just to get a view.
4 The boat heeled just slightly to port, but nothing in
5 any way strange -- just very slight heel. The dolphins
6 then went down and disappeared.

7 I made a slow turn to starboard to circle
8 back around to see if we could reencounter the
9 dolphins, and we did. We reencountered the dolphins
10 and I again, just tried to get up along side at -- I'm
11 probably going at half speed, half throttle. Again,
12 the passengers were -- some were sitting up -- not
13 sitting on their seats, but standing up in their
14 seating areas to get a good view of the dolphins.
15 Still no indication of any problems with the boat.

16 At that time, after the dolphins disappeared,
17 I brought the throttle back. Now, whenever you're
18 engaged, under way, pretty much your stern will rise
19 and your bow will go down somewhat when you're under
20 way. When you come back on your throttle, on your
21 vessel, your bow will rise and your stern will set a
22 little bit. It's just common with the maneuverability
23 and the propulsion of the vessel. Right then I noticed
24 that when I came back, I just felt like my stern set a
25 little bit more than usual. Nothing extreme, but it --

1 I noticed it just set a little bit more than usual.

2 I did make a casual glance and I noticed that
3 I had some of the couples in the back were a little
4 heavier than normal. One gentleman and his wife were a
5 little heavy-set. But I mean it was no problem and I
6 just attributed it to that, that I got some heavy set
7 passengers, a little more than normal, in the back.

8 I proceeded on, and I believe it was right
9 about then, to head up towards where I thought the
10 dolphins were again. I came back on my throttle just a
11 little bit and I noticed a little bit of water behind
12 me toward the rear of the boat. Now, you have to keep
13 in mind that this particular boat, it has a packing
14 gland that is called a drip packing gland. There's a
15 little bit of drip off of the shaft. It's a
16 lubricating effect and it's not uncommon for the bilges
17 to hold water. So when you're moving around, you have
18 crab boats coming throwing wakes at you, you're trying
19 to go along side dolphins -- there's some wave action.
20 You get a little bit of slosh in your back bilges. So
21 it's not uncommon for a little bit of water splash to
22 be thrown up, I guess sloshed off the top of deck.
23 It's not that uncommon. But I made a mental note that
24 I'm going to check my bilge just for sure.

25 At that time, I reached over and switched it

1 to manual, just to do a check on it, just to satisfy
2 myself. Right as I hit the manual -- from my position
3 at the helm, I can't see it discharge overboard -- but
4 I had a passenger on here that I had a little bit of
5 conversation earlier, so I said, sir, would you mind
6 looking over and just make sure that that bilge is
7 discharging? Thank you. That gentleman turned, looked
8 over, and right when he did, we received a wake from a
9 passing crab boat. Now, the crab boat did not pass too
10 close to me. It was a ways away, but it had thrown,
11 I'm going to say about a foot and a half wake from a
12 distance, and this wake was gradually making waves.

13 We were victim of the circumstances there. I
14 had water -- I had noticed maybe some excessive water
15 in my bilge. I noticed that I had some excessive
16 loading in the stern, and I attempted to do a check on
17 the bilge, and right when he looked over and I turned
18 the bilge, we took the wake from that passing crab
19 boat. All this just happened -- 1001, 1002. And that
20 time, whenever we took -- in maritime terminology, it's
21 called a burp. You took a burp from a wake -- a wave
22 or a wake.

23 Immediately the stern went down and it did
24 not rock to port or starboard, it went straight down.
25 I had -- as it -- water was already almost above my

1 knees as I yelled to the forward people, "grab a life
2 preserver, please, grab a life preserver", because it
3 was only the people in the forward seats that would
4 even have an opportunity to try to reach down to get a
5 life preserver out from underneath the seat in front of
6 them. The ones in the back already had water up to
7 their legs in the stern of the boat.

8 A bad application, in retrospect, in a sense,
9 is this. The water in the 10,000 island chain is
10 tainted with tannic acid. The mangrove leaves fall in
11 the water, there's a biodegrade -- they biodegrade,
12 they release tannic acid in the water and it gives it
13 almost a tea color. I had some passengers that were
14 trying to unlock the barrel lock that holds -- that is
15 on the door, mounted door there where live preservers
16 are stored, the passengers forward. They were not able
17 to see -- to find the barrel lock, or get their hands
18 because there was water over the barrel lock, and in
19 retrospect, that's a very bad application for this area
20 and also I feel very strongly that those barrel locks,
21 Bob, it could have just even have been a padlock --
22 they couldn't -- could not have gotten to them.

23 You know, you just don't think about water
24 coming on board that quickly, but the only people that
25 had an opportunity to get a life preserver were forward

1 and they were unable, I feel, to get it because of that
2 barrel lock -- locking device on those doors that
3 stored the life preservers.

4 There was a lot of panic at that time. I
5 instructed everyone to "Remain calm. Remain with me."

6 The engine cover floated off -- the engine cover is
7 about six foot long by about four foot wide. A lot of
8 people were hanging on to the engine cover. I was
9 reaching around me, trying to look for any passengers
10 that were in more distress than others. I just asked
11 them, "Please stay calm. We're going to do alright.
12 Stay calm."

13 The only thing visible above the water was
14 the front bow rail -- I'm going to say about six to
15 eight foot on the port side of the forward bow rail was
16 out of the water, and six to eight foot of the
17 starboard rail up forward was visible. So, "Let's all
18 grab hold of the forward rails." So we all started
19 grabbing the forward rails, and everyone was holding on
20 to one another, and I started looking immediately,
21 where we could find help. I tried to make a quick
22 determination of which way we were drifting.

23 At that particular time I spotted a crab
24 boat, and I'm a pretty tall fellow and I stood up -- I
25 don't know if I stood up on the helm station to where I

1 was still in the water, but just from my waist up, I
2 think, was up, and I waved as frantically as I could
3 for the crab boat. The crab boat was a crab boat that
4 had a tuna tower -- a long tower up in the air and the
5 driver was up high and he gave me an indication that he
6 saw us.

7 And he came -- he circled the boat and
8 approached us stern first. And I told my passengers,
9 "Stay on the boat here. Stay here. We're going to let
10 them come to us and we're going to board. Stay on."
11 Everyone was still very panicky. I did not see anyone
12 that was just in total distress. But --

13 As the crab boat approached, I yelled to him,
14 "Notify the Coast Guard. Notify the Coast Guard."
15 Also as they approached, I had indication that there
16 may be some problems with maybe getting some passengers
17 in their propellers, so as they approached, I yelled at
18 the Captain, "Make sure you go to neutral. When we get
19 passengers aboard --" -- I yelled all this. Thinking
20 of anything else I need to yell at the guy. He kept
21 coming astern. I asked everyone, "Please stay aboard
22 our boat."

23 Unfortunately, when the crab boat got within
24 about 20 to 25 foot of our vessel, everyone in distress
25 started swimming towards the crab boat. I knew I had

1 lost my effort to keep my group under control there.
2 They immediately started swimming towards the crab
3 boat. I had nightmares of them getting in the prop. I
4 yelled again, "Go to neutral. Go to neutral." The
5 crab boat gave me thumbs up and he was in neutral and
6 his two deck hands down below started pulling
7 passengers on board the boat.

8 I remained on the boat. At this time it was
9 myself, and an elderly Scottish couple, and they
10 informed me that they thought they were poor swimmers.

11 So I said just stay here with me. It looks evident
12 that the boat's not going to go all the way down. Just
13 stay right here. Stay right here.

14 When it looked like there were only about
15 four people still in the water that had not been aboard
16 the crab boat, there arrived a local Park Ranger from
17 the Wildlife Service, and his name was Keith. I do not
18 know what Keith's last name. But anyway, he retrieved
19 four people that were holding on to the engine cover
20 box that was floating. He put them on his vessel, and
21 he may have retrieved a couple more. I'm remaining on
22 boat with the two -- the elderly couple with Scottish
23 accents, like I said.

24 It looks to me that we've got everyone on
25 board the crab boat. I yell at the crab boat, "Look at

1 your family and see if everyone is accountable.
2 Everyone find your family." At that time one man
3 started yelling his son's name. I still don't have a
4 life vest. I'm still fully clothed. He yells his
5 son's name. I don't recall -- "So-and-so where are
6 you? So-and-so where are you?" At that time I tell
7 the Scottish couple, the boat -- I don't think the
8 boat'll sink, just stay on the handrail. Stay on the
9 handrail.

10 And I start to swim. About a two knot
11 current, and I was swimming I was starting to try to
12 take some clothes off me, but I'm going to try to see
13 if I can search for this supposed young man. I start
14 to swim and then the guy on crab boat yells at me,
15 "Captain, he's on board. He's on board. We found him.
16 We found him." Well, at that time, I'm in about a two
17 knot current, I can't swim to the crab boat, and I
18 can't -- I don't have the strength to swim back to my
19 boat. The Scottish couple is all right.

20 Right then a recreational boat comes around
21 and I wave at the recreational boat. The recreational
22 boat approaches and they throw me a life vest. So I
23 had that life vest, and then with the help of that life
24 vest I can make it back to Panther I. So I was setting
25 on the handrail once again with myself and this

1 Scottish couple. The recreational vessel, at my
2 instruction, turns and approaches us stern first. They
3 have a transom that's easily -- to board on the stern,
4 and I yell at the -- or instruct them to go to neutral
5 -- "neutral Captain", and then I had to get myself on
6 board first to be able to get a stable platform to try
7 to pull this couple up on board.

8 So I set up, exhausted on the transom, took
9 my three deep breaths and then I put both arms
10 underneath the lady and pulled her up on board the
11 boat, and then her husband. And then at that time, the
12 crab boat guy, he engages his boat to head back and I
13 yell, "Wait, wait. Stop. One more time. Is everyone
14 accountable? Keith, make some circles. Is everyone
15 accountable?" And without me even saying it, Keith,
16 the Park Ranger, is already making circles around,
17 looking for anyone else in the water. I said, "We've
18 got to make sure we've got everybody." Obviously, with
19 my position on the recreational vessel in the water,
20 I'm not in a position to do a head count. The crab
21 boat at this time is 30, 35 yards away.

22 "We've got to make sure we've got everyone on
23 board" was my cry. Everyone was nodding, had no
24 indication we were missing anyone from that family
25 outing. I said, "Okay, let's head inbound at slow

1 speed." Obviously, that crab boat was very heavily
2 laden.

3 Myself and the couple in the recreational
4 boat, Keith, the Park Ranger, had approximately four or
5 five passengers on board his Park Ranger vessel. And
6 the crab boat was very heavily laden with passengers.
7 We all moved slowly back inbound.

8 I was on the recreational boat's VHF, calling
9 the Coast Guard. "Coast Guard, Mayday, Mayday." And I
10 yelled at Keith who had made a circle close -- "Keith,
11 has the Coast Guard been notified?" He gave me a
12 thumbs up or some indication that he had -- a nod or a
13 thumb up. But I still tried to make contact. I wanted
14 to get official verification from the Coast Guard
15 Service that they had heard our transmission. In a
16 very weak transmission on this recreational vessel, but
17 I did hear a very weak reply from the Coast Guard
18 office in Fort Myers. It said "Captain, we're getting
19 a garbled transmission. Where's your location?" I
20 gave them my location. I said, "This is Captain
21 Daniel. I'm aboard a Panther I commercial vessel in
22 Indian Key Passage off of channel marker number 7,
23 certified for 36 passengers. All passengers seem
24 accounted for." I believe was my exact words.

25 From that point I didn't hear any more reply

1 back from the Coast Guard office in Fort Myers, but I
2 know that the first response back was from the Fort
3 Myers office.

4 MR. FORD: Want to take a break?

5 CAPTAIN MAYE: Yes, maybe just real quick.

6 MR. FORD: Okay.

7 (Whereupon, the hearing was off the record
8 for a brief period.)

9 MR. FORD: We'll resume now.

10 CAPTAIN MAYE: At that point in time, the
11 three vessels were making slow way back inbound, and
12 they're approaching two other boats that are from the
13 tour boat operation. Obviously the management there
14 had heard the broadcast -- I'm making an assumption
15 that they went down and took passengers off the boats
16 that were destined for a trip and sent them out as
17 rescue vehicles -- excuse me, vessels. There
18 approached me a Skimmer, which is just the name of a
19 tour boat, Panther II, and also just a small personal
20 vessel that is owned by the owner of the tour boat
21 company, and with those three boats, approached us.

22 I'm trying to think of which vessels unloaded
23 passengers into which vessels. From my recreational
24 vessel that I was on, the Panther II came along side,
25 we did just a quick hitch up, side by side engagement,

1 and we assisted passengers getting off the boat. Every
2 passenger I asked, "Are you okay? Do you need first
3 aid?" Everyone said, "Captain, we're all right. We're
4 just exhausted." Understandably. They seemed -- I saw
5 symptoms of very mild hyperthermia, but nothing major.

6 We put those passengers over into that rescue
7 vessel and the crab boat was unloading passengers over
8 into the Skimmer ahead of me, approximately 50 yards.
9 They were also engaged side by side engagement, but
10 they were transferring passengers over into that
11 Skimmer vessel, Captained by Drew Anderson. The small,
12 privately owned boat by the owner was there to lend
13 assist if they needed to.

14 The Captain of the Panther II was Stanford
15 Daniels, and I said, after we got the passengers on
16 board, I said, "Stanford, take my helm -- let me take
17 yours. I'm taking my passengers back to the port."
18 And he complied. He transferred himself over into the
19 privately owned vessel, owned by the owner, and I took
20 the helm of the Panther II and we made a slow way back
21 to the boat basin. Pretty much everyone was laid out
22 in seats, resting or trying to stay low out of the wind
23 because they were cold, and I wanted to try to move
24 along as fast as I could to get everyone back to shore
25 as quickly as possible, but also I wanted to try to

1 maintain a safe speed. And also the faster I went,
2 more windage, and I could tell it was chilling the
3 passengers somewhat. So anyway, I tried to regulate a
4 speed that would accommodate the situation.

5 As I approached the park basin, Captain Drew
6 Anderson was already unloading passengers off of his
7 Skimmer boat and was moving out of the way, and I
8 approached the park basin, and landed and tied up and
9 there I was met by numerous officials of the Park
10 Service there, helping me get passengers off the boat.

11 The Park Ranger Service employees were inquiring of
12 each passenger, are you all right? Do you need medical
13 attention? But the Park Service was readily available
14 there to accommodate me in assisting the passengers
15 there.

16 Unfortunately, when the first group of
17 passengers unloaded the boat, some were tired, wet.
18 Many of them headed right to their vehicles. This was
19 the first boat that arrived, the one that I was not
20 one. Very unfortunately, some had just had a bad
21 experience and wanted out of there, quite frankly, and
22 they headed right to their vehicles with their families
23 and started leaving. When I arrived, I started walking
24 around, trying to keep everyone in the parking lot
25 until we could get or acquire some type of official

1 head count. I will say that Candace was also trying to
2 assist, trying to get everyone to remain there, but it
3 was to no avail. Some passengers were headed to their
4 vehicles and that was ahead of me, and as I got my
5 passengers off the vessel, I was greeted with hugs of
6 relief and comfort and crying passengers, but just
7 happy that we escaped a very traumatic situation.

8 I tried to go by every passenger that I saw
9 to enquire of their health, and was there anything that
10 we could do. I know that just for precaution an
11 ambulance was sent down, and the ambulance and
12 paramedics did go, as far as I know, to every
13 passenger, inquiring, and then I --

14 (Change of tape.)

15 -- and also the Park Ranger, Keith, was in
16 attendance, the notepad was pulled out. Mr. Hamilton
17 informed Keith Reggier (ph) that there were 34
18 passengers on board, a Captain, and a mate who's name
19 was Louis Danielson (ph). Mr. Hamilton then informed
20 Keith Reggier (ph) that he had a lot of business to
21 attend to down below and he needed to get down below,
22 and Mr. Hamilton exited the room.

23 I interacted to Keith Reggier, who is the
24 Park Ranger there at the Everglades National Park, Park
25 Service, that Mr. Hamilton's statement was incorrect,

1 that there were 34 passengers on board, and I was the
2 Master Captain, but I carried no mate. And Keith
3 Reggier immediately made that retraction down below.

4 I informed Keith Reggier at that time that
5 any and all communication from me will be of the utmost
6 professionalism, credibility, and honesty. There will
7 be no facts hid. I informed Keith Reggier that I am
8 very proud of my professional reputation, that in many
9 years of being a Captain, and also professional
10 occupations, I am going to be very open and honest, and
11 there are not going to be any facts hid. Mr. Keith
12 Reggier acknowledged that he would appreciate that.

13 At that time Keith Reggier asked me if
14 routinely we carried 34 passengers, and I informed him,
15 yes. I also informed him that occasionally there are
16 narrators placed on board that are of the National Park
17 Service employees, and they're aware that on the
18 passenger boats we do not carry a mate. They are aware
19 of that.

20 At that time, that was -- then at that time I
21 asked Keith Reggier if he had apparatus necessary for
22 me to give him a urine test. I said, it's important to
23 me, and I said I think it's important -- I said down
24 below they're calling the Maritime Consortium, which is
25 in Coast Guard procedures, but I said I'd feel

1 comfortable if you have the apparatus here for the Park
2 Service for me to give a urine sample, I would be very
3 adamant that I would like to give a urine sample.
4 Keith Reggier said that he did not feel it was
5 necessary at this time.

6 And he also informed me that the Marine
7 Safety Officer from Miami had been notified, and that
8 they were going to try to get underway as quickly as
9 they could to make a drive over to do an investigation.
10 I asked Keith Reggier at that time if the Marine Safety
11 Officer gave any indication that they'd like for me to
12 go deposit a urine sample, or if they'd like for me to
13 remain here, and Keith Reggier replied that he thought
14 that they wanted me to stay here to be investigated. I
15 said, okay, I will comply with that.

16 A little later that afternoon, or a little
17 bit later, two representatives from the Fort Myers
18 Coast Guard Office arrived. There perhaps was a little
19 bit of jurisdictional conflict -- the Fort Myers
20 Office, I guess, received the call, but perhaps the
21 jurisdiction of the incident possibly was in the Marine
22 -- I'm sorry, Miami jurisdiction. I'm not aware of
23 that circumstance. But anyway, I know that two
24 representatives from the Coast Guard Office at Fort
25 Myers came to Kiefer's office and introduced themselves

1 to me and said, "Captain, could we ask you to please
2 write down a long hand statement of the incidents of
3 the day."

4 I asked if it would be acceptable if I did it
5 on the computer that was there, and they said
6 absolutely, so I began to issue a statement, via the
7 Microsoft, on the events of the day.

8 The Marine Safety Officer from Miami, I
9 guess, had been in communication with Kiefer. They
10 were -- kept getting a little bit longer in the evening
11 for their arrival, perhaps there were some other
12 incidents -- anyway, there was some situation there, I
13 think, where their arrival was a little bit more
14 delayed than what they had initially expected.

15 I informed Kiefer that I wanted to make
16 myself available to whoever wanted to interview me and
17 that it would be in the best interest of everyone if I
18 just went down to the local motel there in Everglades
19 City and just checked into a room, and I informed
20 Kiefer where I would be staying, and I would make
21 myself available the rest of the evening if anyone
22 needed to talk to me about the incident. So I left the
23 premises, checked in at Everglades City Motel and
24 started just to try to get somewhat comfortable.

25 And then a knock on my door, it was Captain

1 Drew Anderson and he was dispatched down by someone, I
2 do not know, that the Marine Safety Officers had
3 arrived and that they would like to speak to me. So I
4 drove back down to the boat basin and then that's where
5 I was introduced to Nicole and Mr. Jesus as the Marine
6 Safety Officers from Miami. I asked them at that time
7 if they would -- if it would be necessary for me to
8 give a urine sample at that time. They conferred with
9 one another and came to the conclusion that probably
10 the first thing in the morning would be more
11 appropriate, so I complied with that wish.

12 Keith Reggier gave them a copy of my
13 statement off the computer that was printed. I believe
14 the National Park Service received a copy. I received
15 a copy, and a copy was given to the Marine Safety
16 Officers. I asked the Marine Safety Officers if I
17 could -- you know, be available for any more
18 investigation that night, and they informed me that for
19 me to arrive back at 7:00 a.m. the following morning,
20 and they would proceed from there. So I had already
21 checked into the motel, I just took a short ride down
22 to the motel and I tried to get some sleep, what I
23 could.

24 I returned back to the boat basin that
25 morning at 7:00 a.m., and I was asked by Nicole of the

1 Marine Safety Officers office for me to go and deposit
2 a urine sample at whatever consortium that the boat
3 company there was a member of. So I then stopped and
4 got some breakfast and then I headed to Naples to Quest
5 Laboratories who's on a contract with Maritime
6 Consortium, and I believe that the name of the test was
7 a "Panel 5" test, and I deposited a urine sample at
8 that time with them.

9 I knew that Kiefer had my telephone access,
10 also the Marine Safety Officers, so after I had given
11 the urine sample I retired back to my residence and
12 just tried to make myself available by telephone to any
13 party that needed me.

14 MR. FORD: Did Mr. Hamilton, the owner,
15 mention anything to you about a drug and alcohol test?

16 CAPTAIN MAYE: On my arrival back at the boat
17 basin park?

18 MR. FORD: Right.

19 CAPTAIN MAYE: I -- I brought it up. I said,
20 Sammy I think protocol is now you guys need to call the
21 Maritime Consortium and I said I think they will inform
22 us whether I need to go right now or in the morning,
23 but I said, I'm prepared to go right now. I said I
24 really want to cover myself in that area, and my
25 credibility. He said, okay, I'll have Brenda -- who is

1 his wife -- call the 800 number. And then Brenda
2 called me in and she gave me a note that said that you
3 can go to Naples to Quest labs or if you want to go to
4 Marco Island, this is the name of the test they told me
5 that you need to take, but you can go in the morning.
6 But I didn't want to take her word for that, I wanted
7 to just comply with the Marine Safety Officers and
8 their instructions, and went when they wanted me to go.

9 MR. FORD: You said that a mechanic, Kenny
10 Wells, was working on the bilge pumps in early --
11 before the first run, prior to the first run. Did he
12 tell you what the problem was with the bilge pumps?

13 CAPTAIN MAYE: He did not tell me
14 specifically what the problem was, but it's a common
15 occurrence for the mechanics to be looking at the bilge
16 pumps, working on the bilge pumps. It's a pretty
17 common occurrence, really.

18 MR. FORD: We'll just go --

19 CAPTAIN MAYE: I will say that I would have
20 not left the boat basin if I had not been absolutely
21 assured that they were in working order.

22 MR. FORD: Any other mechanical difficulties
23 on board?

24 CAPTAIN MAYE: You talking about prior to me
25 disembarking or underway or --

1 MR. FORD: Both. Start with -- when you
2 disembarked, was everything working properly?

3 CAPTAIN MAYE: Yes.

4 MR. FORD: After you disembarked was
5 everything working properly?

6 CAPTAIN MAYE: Yes.

7 MR. FORD: VHF radio, no problems?

8 CAPTAIN MAYE: No problems. Also as a
9 backup, I carry a VHF hand held radio in my bag.

10 MR. FORD: And you did not get time to use
11 that either?

12 CAPTAIN MAYE: No, absolutely not.

13 MR. FORD: Did you get the name of the boat
14 that you said when the initial wake came by just as you
15 were starting to get swamped. Do you know the name of
16 that fishing boat?

17 CAPTAIN MAYE: No, there are several crab
18 boats that come in and out of that -- you know, I in no
19 way hold those guys any type liable. They were a way
20 off and they were in an area that is open wake and so I
21 do not blame them, and the wake moved across
22 approximately a half a mile. It just -- the
23 circumstances of I had my stern to it. I didn't notice
24 it coming. I know I had a bilge problem, the
25 circumstances -- the domino effect of five things

1 happening there at one time.

2 MR. FORD: We're not trying to lay blame.
3 That's not what we're trying to do. We're just trying
4 to find out the facts. What type of relationship did
5 you have with the owner?

6 CAPTAIN MAYE: Pretty much -- you know, my
7 responsibility is from the front of the building
8 forward. I greet my passengers, try to give a very
9 redeeming boat ride, do it in a safe manner. But
10 pretty much everything internally and what goes on in
11 the back, it's really none of my concern and --

12 MR. FORD: Let me be more specific. If you
13 had a problem with something on the boat, did you feel
14 free you could go tell him, I have a problem with
15 something, I need it fixed?

16 CAPTAIN MAYE: Yes, in that regard I felt
17 that -- and I communicated often. Steering isn't --
18 you know, a little on this or that boat. But yes,
19 there was a lot of communication between me and the
20 mechanic there about it.

21 MR. FORD: There are just a few human
22 performance questions I'd like to ask you. A 72 hour
23 profile prior to the accident. Your sleep schedule
24 each night prior to it, and any domestic problems,
25 anything which would distract you or maybe you're not

1 full attention to the boat?

2 CAPTAIN MAYE: No, none whatsoever. No, none
3 whatsoever.

4 MR. FORD: Well, let's take the night before.
5 You went to bed at what time?

6 CAPTAIN MAYE: Embarrassingly, about nine
7 p.m.

8 MR. FORD: And you got up at what time?

9 CAPTAIN MAYE: I set my alarm every morning
10 for seven a.m.

11 MR. FORD: And you had a good night's sleep.
12 And the night before that?

13 CAPTAIN MAYE: I think I did manage to stay
14 up until about 11 p.m. and I woke up at seven. Was
15 alone at home.

16 MR. FORD: Was it pretty much the same the
17 night before? You're early to bed and early to rise,
18 then?

19 CAPTAIN MAYE: Yes, especially during these
20 heavy -- you know, pretty much we approach this one
21 week that you're going to have full loads, there's
22 going to be a little wind, they're back to back trips
23 and you're just totally exhausted at the end of the
24 day.

25 MR. FORD: So you didn't go out and do any

1 partying that time?

2 CAPTAIN MAYE: No, no. I did not leave my
3 residence.

4 MR. FORD: How about medication? Were you
5 taking medication for anything?

6 CAPTAIN MAYE: No.

7 MR. FORD: And your most recent physical?

8 CAPTAIN MAYE: Bob, you talking about a
9 complete physical, or a partial --

10 MR. FORD: Either one, whatever -- the most
11 recent time you saw a doctor?

12 CAPTAIN MAYE: I sent an application for an
13 upgrade to my Captain's license approximately four
14 months ago. In regard to that application for an
15 upgrade, a partial physical is required, and I met with
16 a physician there on Marco Island, and I had a clean
17 bill of health.

18 MR. FORD: No blood pressure issues or
19 anything like that?

20 CAPTAIN MAYE: No. He checked all my vital
21 signs -- blood pressure and he approved the medical
22 review that I put with my application.

23 MR. FORD: And your vision? Are you
24 nearsighted?

25 CAPTAIN MAYE: Yes.

1 MR. FORD: 20/100 or?

2 CAPTAIN MAYE: I'm not sure about the scope,
3 but it's in good condition.

4 MR. FORD: Okay, well, if you want at this
5 time, I'll give you an opportunity, do you want to
6 address some issues, or do you just want to have a free
7 reign now to say what you want to say about the
8 sinking, or?

9 CAPTAIN MAYE: Well, there are some comments
10 that I'd like to make. Obviously, from the time that I
11 left to have the drug test and returned back to my
12 residence, I had just been making myself available.
13 Now, I've had a couple days to obviously do a
14 retrospect. I view what happened very, very seriously.
15 Now, I'm getting some of my information from media,
16 but you know also -- what I'm sensing is that Mr.
17 Hamilton's position is that no one got hurt, a few
18 people got a little bit wet, we got them all back in.
19 I think his intention or what his intention wanted to
20 be was throw a little new wiring, maybe exchange the
21 bilge pump, put this boat back in service.

22 I'd like to make it on the record that I
23 totally disagree with his attitude in that regard. I
24 feel what happened, the circumstances, are extremely,
25 extremely serious, and in my opinion, the more agencies

1 that are involved in this to really find out exactly
2 what happened and to prevent it to see that it never
3 happens again is of the utmost concern. I'm regarding
4 this as we had fatalities. And I will say that if it
5 had not been for that approaching crab boat, I feel my
6 own opinion, that we would have had fatalities in that
7 incident. And I take that very, very seriously.

8 You know, I've always heard that if you're an
9 airline pilot or you're a boat captain, you'll have --
10 you prepare yourself safety-wise for one incident in
11 your life and I had -- I wish I had more time to
12 utilize some of those skills that I feel like I trained
13 for, but I only had three seconds. And there was a
14 reason -- has to be a reason why that I only had three
15 seconds to prepare my passengers for that. And I want
16 to be as supportive to all agencies that are doing
17 investigation as much as I can.

18 So I'm sitting at my residence, not able to
19 sleep, and I'm thinking back what boat I ran the
20 previous day. What boats have I been running? Who's
21 been running that Panther I? How many trips a day?
22 Did it ever take a different route? You know, my mind
23 has just been circling about things leading up to that
24 day. And I'll say this. If I find out that Mr.
25 Hamilton was intentionally being deceitful to me about

1 the number of passengers that I am legally able to put
2 on that boat, if I find out there is deceit content so
3 he can sell more passengers on that boat, I'm going to
4 be extremely, extremely upset.

5 Now, when you hire on down there, you know
6 pretty much you grab another Captain and what happens
7 is they go -- they help you run a skimmer, you're able
8 to put 30 on it. You need to require a mate. Manatee
9 I, you pretty much, maybe you make a few little notes,
10 and I know that people that gave me my initial
11 instruction there, they're credible people, and I know
12 for a fact that the owner has told them that on the
13 Panther I it was grandfathered in that you can put 34
14 passengers -- you can put 36 passengers on that boat.
15 It was grandfathered in, you don't have to carry a
16 mate. And that was what -- the information that was
17 handed down to me.

18 The mistake I made, and I'll own up to it, is
19 that at that place of employment or anywhere else, the
20 correct thing would have been done, for me to have been
21 a responsible Captain, was for me to say, that's well
22 and good, I need to see the documentation on this
23 vessel. I should have went in and made it very clear
24 that I should have looked on the documentation on that
25 boat instead of taking the owner's or the other

1 Captain's word on how many passengers that it was legal
2 to carry. I did not do this.

3 MR. FORD: Was the documentation on the boat?

4 CAPTAIN MAYE: No.

5 MR. FORD: Certificate of inspection, you
6 never saw?

7 CAPTAIN MAYE: No. No, I did not. But I
8 will be extremely upset if I find out -- and I'm not
9 passing judgement on the man at this time, and I have
10 no axe to grind -- but if I find out that he was being
11 deceitful in overloading our boats to satisfy more
12 income in ticket sales, I'm going to be extremely,
13 extremely upset with the gentleman.

14 Secondly, in retrospect, as I said, I've had
15 time to relax to myself and think back on causes of the
16 events of that day. I know that that Panther I
17 experienced a hard grounding approximately ten to 14
18 days ago, and the Captain was a Captain Drew Anderson.

19 At home in my residence, thinking back to the history
20 of that boat over the last 30 days, I know there was a
21 hard grounding, and I know that they had to send, not a
22 rescue boat, but a boat out to transfer passengers out
23 from his boat onto another boat, and that boat was
24 towed in.

25 MR. FORD: The Panther was towed in?

1 CAPTAIN MAYE: Yes. The Panther I.

2 MR. FORD: And you're sure it's the Panther I
3 and not the Panther II?

4 CAPTAIN MAYE: Yes, I'm positive it's the
5 Panther I.

6 MR. FORD: Do you know what repairs were
7 done?

8 CAPTAIN MAYE: I know that they -- they
9 lifted it up on the back and I visually saw some work
10 going on, and I heard out in the front that the old
11 man, and that's what they refer to Sammy Senior, wanted
12 that boat fixed and back in the water as soon as
13 possible.

14 MR. FORD: Captain, do you remember the boat
15 that came out to unload the passengers to take them
16 back in?

17 CAPTAIN MAYE: No, I don't. I was Captain of
18 another boat.

19 MR. FORD: And the boat you were on was?

20 CAPTAIN MAYE: On that particular day, I do
21 not recall. I just know that I was on another vessel
22 and now, how hard aground it went, I don't know. Where
23 it went aground -- I don't know? But I'm just thinking
24 back in history of some of the things that could happen
25 to maybe puncture a hole in Panther I. Maybe -- I'm

1 not saying that that led to this accident. I'm saying
2 that it could have been a possibility.

3 Now I may stand to be corrected on this, but
4 it's my understanding that if you have a commercial
5 vessel in passenger service, and you experience a hard
6 aground, the Marine Safety Office of Inspections,
7 Miami, is supposed to be notified. They would come
8 over, do an inspection, and regulate the repairs
9 necessary for that commercial vessel to be put back in
10 service. Now, I stand to be corrected on this, but I
11 think that's -- I tend to think that the Marine Safety
12 Office in Miami was not contacted about that incident.

13 Now, I don't know that, and I'm saying that all of my
14 observations that I'm giving are speculative in that --
15 I'll tell you exactly what I do know, but I can tell
16 you what I don't know also. I will make it very
17 official around here, if I find out that that vessel
18 was pulled up and just cosmetic splash job done on it
19 to get it thrown back in the water to put passengers on
20 it, and if that vessel was in an unseaman -- was not
21 seaworthy, Mr. Hamilton has jeopardized the lives of 34
22 passengers that we were putting on that boat without
23 going through due proper inspection.

24 MR. FORD: To your knowledge, does Mr.
25 Hamilton, use any other repair yards or vendors, or is

1 all the repair work done in shop?

2 CAPTAIN MAYE: He -- from what I visually
3 have noticed, they will do everything that they can do
4 themselves. Bottom paint application is done by a
5 certified yard that's certified to do bottom paint
6 painting.

7 MR. FORD: Do you know the name of the yard?
8 Have you ever seen anyone?

9 CAPTAIN MAYE: Yes, Goodland (ph) Bay Marina
10 is the yard that has been previously used, mainly --
11 just for bottom paint application. And I've heard that
12 they are going to utilize a different boat yard called
13 the Calusa Marina. Both those marinas are in Goodland,
14 Florida.

15 MR. FORD: Captain ... in Goodland, Florida?

16 CAPTAIN MAYE: Yes.

17 MR. FORD: Well, take a break, take a head
18 call? Want to take a break?

19 CAPTAIN MAYE: I'll take a quick break.

20 MR. FORD: Okay.

21 (Whereupon, the hearing was off the record
22 for a brief period.)

23 MR. FORD: Okay, we're going to resume again.
24 Before we go around the table, what are your future
25 plans for employment with Mr. Hamilton?

1 CAPTAIN MAYE: Really, Bob, I just have given
2 no thought to that. I have no axe to grind with Mr.
3 Hamilton, and I feel that at this point that it would
4 be prejudgment of me to say that I'm in an adversarial
5 position with Mr. Hamilton. I think that at this time
6 I don't feel comfortable aboard a boat down there, for
7 a couple reasons. One is that the investigation is
8 still going forward. I don't know -- credibility of
9 the vessels down there at this point in time. And also
10 mainly I'm just not prepared, I think, mentally to go
11 aboard a boat right now for a while.

12 MR. FORD: But if the accident hadn't
13 happened, you would have been working through this
14 holiday period?

15 CAPTAIN MAYE: Yes.

16 MR. FORD: And he would contact you or you
17 would contact him when to work?

18 CAPTAIN MAYE: There's a schedule board up,
19 and basically if you're name is in a square, you come
20 in to work.

21 MR. FORD: So your name is no longer on that
22 schedule board? It's been taken off?

23 CAPTAIN MAYE: Uh --

24 MR. FORD: Has there been any communication
25 between you and him regarding going -- taking a boat

1 out?

2 CAPTAIN MAYE: No. No.

3 MR. FORD: Okay, I'm going to go around the
4 table, then. Going to start with Jim Walsh.

5 MR. WALSH: Captain, thanks again for coming
6 up. It's very informative, and I appreciate the
7 information that's involved here that you'll give us a
8 little later on regarding all the training aspects.
9 Just for me to get a better handle on the employment
10 aspect when you came in, could you tell us, if you
11 remember, what paper you got that ad from?

12 CAPTAIN MAYE: The Naples Daily News.

13 MR. WALSH: And when you responded to it, the
14 information that Mr. Hamilton supplied to you, can you
15 describe that about the company?

16 CAPTAIN MAYE: No hard copies of any
17 documents were given me. First I phoned down and I
18 spoke to a lady in the front, I'm not sure who. I just
19 recall it was a lady. She said yes, they were hiring
20 Captains, and she would give my name and number to the
21 owner. Approximately a couple days later I received a
22 telephone call from the lady at the front desk and she
23 said, Captain, whenever you'd like to drive down, Mr.
24 Hamilton will visit with you concerning the job.

25 So, best I recall, the next morning I just

1 drove down and the lady I believe said that he'd be
2 arriving shortly. I saw a gentleman pull up in a green
3 SUV and asked if that was Mr. Hamilton, and someone
4 said yes. Walked over, introduced myself, and
5 basically just very informal -- we run a family
6 operation here. You keep your boat clean, no
7 complaints in the office. Don't tear up the boat and
8 you'll have a job here as long as you want.

9 What kind of ticket do you have? He was
10 asking me about my license. I said I've got 25 ton
11 Master. Alright, perfect. You can run Panthers,
12 Skimmer, and a Manatee I. We get daily pay down here.
13 No overtime, no holiday pay. No vacation. Come in to
14 work, and if you're on a boat, you get daily pay. No -
15 - he said that's the way that we run a family operation
16 down here. So if you want to go out on a ride, like to
17 put you on one of the boats just as a passenger -- he
18 said -- for some reason he said, don't even tell the
19 Captain who you are and that you're looking for a job
20 until after you tell me what you think about the trip
21 when you get back. Okay.

22 He said you came from working the big hotel
23 Marriott, right? I said, yes, sir. He said, okay, I'm
24 going to throw you on a boat out there. I want to hear
25 what you've got to say when you get back. Okay.

1 So I went to the ticket office and they gave
2 me a ticket, and I walked down and I took a ride out
3 with Captain Drew on one of the Panthers, but I can't
4 recall which one it was. And I basically just set
5 pretty close to the helm station and just observed on
6 the ride. I thought if I set close to the helm I could
7 -- you know, any boat you get on, you want to get
8 acclimated to what's called the throw of the throttles
9 and stuff, and I thought I'm going to watch his throw
10 of his throttles and stuff. So anyway, I sat where I
11 could -- I tried to board early where I could I sit
12 where I could just see him maneuver the boat. And he
13 did a good job, I think. In my opinion, he gave a good
14 narration.

15 And then on arrival, went back up and Mr.
16 Hamilton and we were outside the building and he said,
17 well, what do you think, Captain? And I said, yes, I'd
18 like to come down and work for you here. He said
19 alright, get you started tomorrow. He said I'm going
20 to let you ride a couple trips with guys that have been
21 with us a long time, Stanford Daniels on the Manatee I,
22 and he'll show you how we operate things around here.
23 He said Captain, the way we operate around here, you
24 keep your boat clean, don't tear up equipment, we don't
25 get any complaints in the office, you don't hear from

1 us. We'll stay off your boat. If you need something
2 fixed, we'll fix it. That's the way we work things
3 around here. I said okay, I understand.

4 The next day I arrived and Stanford Daniels
5 gave me some instruction about the best way that the
6 boat, the Manatee I, tracked out of the base and that
7 sort of thing. He backed it out. We got underway and
8 I just did observance all the way out, and then when we
9 got out towards the end, I asked him if he'd mind if I
10 took the mike on the PA and did some narration on the
11 way back, and he said well, if you feel competent to do
12 narration? I said, well, yes, I've been giving
13 narration tours for quite some time. Okay, have at it.

14 So he drove and I narrated on the way back.
15 He made a note that as far as the narration, I wouldn't
16 need any training.

17 MR. WALSH: So as far as formal documents you
18 signed, or provided with a contract?

19 CAPTAIN MAYE: There was none. I signed a --
20 he said a W-4 or a W-9 that you sign just claiming your
21 number of dependents. Okay, I signed -- is it a W-9 or
22 a W-4? Where you just sign how many dependents? I
23 signed that, and I gave that to him, that's all the
24 documents for employment that I signed.

25 MR. WALSH: Was there an introduction for

1 policy and procedures ... Mr. Hamilton's organization
2 provided you?

3 CAPTAIN MAYE: No.

4 MR. WALSH: And as far as -- you told us what
5 the formal training was on board the boat -- formal or
6 informal training on the boat. Was there a checklist
7 ever saying that we need to go over this checklist?
8 Come on board, this is your boat to get checked out?

9 CAPTAIN MAYE: No.

10 MR. WALSH: No job description?

11 CAPTAIN MAYE: No.

12 MR. WALSH: And as far as safety training
13 that you were provided to then deliver to the
14 passengers?

15 CAPTAIN MAYE: They did not direct me in
16 anything that I had to cover. All those -- that
17 statement that I gave earlier -- that had just been
18 standardized by me and I just won't take a vessel out
19 without giving that.

20 MR. WALSH: And an observation from your
21 point, who was responsible of the company, to ensure
22 that the boats were safe and ready to go before you got
23 them?

24 CAPTAIN MAYE: Say, you know, with it being a
25 family operation, -- you know, obviously, I came from a

1 professional background when I was started down there
2 and many times I just said, damn obligations is to the
3 front area here and there were times that my
4 observations would be very frustrating about families.

5 It didn't seem that there was any clear distinction of
6 this was this person's responsibility, this one or this
7 one. Supposedly, Sammy Senior was the overall owner,
8 overall manager, and his son, Sammy III, Sammy Hamilton
9 III, was in charge of Captains and what was ...ly
10 called "rescue operations". Now, not rescue from
11 accidents, but in case there was a boat problem out --
12 overheat, he'd make himself available to bring other
13 boats, unload passengers and ferry back. And between
14 communication of Sammy Hamilton III and the mechanic on
15 staff full time, Stanford Daniels, they were in charge
16 of maintaining the boat and whenever inspections were
17 due on the boat, it -- my observation was that Sammy
18 III was in charge of those inspections whenever it was
19 time for them to come up.

20 MR. WALSH: But for an inspection by the
21 Coast Guard, would the normal Captain typically be on
22 the boat?

23 CAPTAIN MAYE: No.

24 MR. WALSH: No?

25 CAPTAIN MAYE: Mainly uh -- I'll just say

1 that previous, and on that situation, that it's
2 strictly a maintenance thing between the owner and the
3 Coast Guard.

4 MR. WALSH: You mentioned one of the Sammy's
5 was responsible for rescue operations.

6 CAPTAIN MAYE: Yes.

7 MR. WALSH: Is that a common occurrence?
8 These overheatings? These ... Do you remember how
9 many and were you involved in any rescue operations?

10 CAPTAIN MAYE: I can recall -- from January
11 15th to now, maybe on six occurrences myself, I had an
12 overheat problem, loss of oil pressure, throttle
13 problem, where I needed to throw an anchor out and call
14 in for assistance.

15 MR. WALSH: And that typical assistance would
16 be?

17 CAPTAIN MAYE: Sammy Hamilton III, with the
18 mechanic, would bring another boat out and then we
19 would unload passengers over and they would head back
20 in and I'd mainly stay with the boat.

21 MR. WALSH: How many times was the frequency
22 of that happening? Six times in about six months?

23 CAPTAIN MAYE: Well, no, from January 15 --
24 well, yes, you're right --

25 MR. WALSH: January 15.

1 CAPTAIN MAYE: Over a one year period, but I
2 wasn't employed there August, September, October and
3 November.

4 MR. WALSH: Do you recall the Park Service
5 folks, and the interpreters when they came on board?
6 Were they frequently on board when you were on board?

7 CAPTAIN MAYE: The Park Service -- the
8 typical schedule is that one narrator will come aboard
9 one boat that's in service per day. Now, I don't know
10 how their schedule works or if -- how it's their
11 discretion, but it can be Manatee II, the larger 123
12 passenger vessel, or it can be Manatee I, or it can be
13 Panther. I'm not sure exactly how that's worked out,
14 but one narrator from the National Park Service on a
15 typical day is usually aboard one of the boats per day.

16 MR. WALSH: Captain, could you take us again
17 -- you say you wake up at seven o'clock in the morning.
18 Your commute takes about how long?

19 CAPTAIN MAYE: Thirty minutes.

20 MR. WALSH: So you show up there
21 approximately what time on a daily basis?

22 CAPTAIN MAYE: Set my alarm at my residence
23 at seven a.m., get the coffee maker going, turn on the
24 news and the weather -- just get a verbal of what I
25 might expect -- any conditions of wind, if there's

1 going to be rail, what foul weather to take along --

2 MR. WALSH: That from the National Weather
3 Service?

4 CAPTAIN MAYE: No, usually just local. Every
5 once and I while I will go -- and I don't have cable --
6 but I will go -- if the weather conditions are provide
7 theirselves to where maybe something a little more
8 extreme, say 20-25 knots or something, just as a backup
9 to the local weather, I'll call the National Weather
10 Service and make sure they comply with one another, so
11 I'll know. And that way, it gives me the opportunity,
12 if I've got a two o'clock run, to maybe say, folks,
13 let's get some foul weather gear on or I may need to do
14 more an inland trip with these folks to keep more in a
15 light chop, so I don't expose you to sea spray.
16 Anyway, it just gives me a good handle of what the
17 weather is for that day.

18 Fill large cup of coffee, I then leave the
19 Goodland area at eight o'clock, just about, within two
20 or three minutes. I've very regular in that. No stops
21 in between. I drive straight to the Park Ranger
22 Station there and pretty much within two or three
23 minutes, I arrive at 8:30. Now, when I heard -- when I
24 first started there that they want everyone to arrive
25 by 8:45, no matter when your boat starts, and so I

1 arrive there at 8:30.

2 In my carry bag, I have binoculars, some
3 light weather foul weather gear, hand held GPS, which
4 is really not applicable to our routes, but every once
5 in a while I like to exercise my GPS to keep it in
6 working order. My hand held VHF. Now, in that regard
7 I have to say that some of the radios in the fleet --
8 there's occasions that --

9 (Change of tape)

10 -- personal hand held. Pretty much mainly
11 what it's been for us Captains, we'll get together and
12 we'll go -- well, Drew, if you ran Manatee I yesterday,
13 I'll run the Skimmer today, we'll rotate around. We'll
14 come off from days off, usually they'll try to give us
15 two days off per week. Now if it's a busy season, you
16 make yourself available any day. If your name's up in
17 the square, you come in.

18 MR. WALSH: But it's the Captains that are
19 discussing in the morning who will go on what boat?

20 CAPTAIN MAYE: Yes.

21 MR. WALSH: And is there a briefing in the
22 morning provided by management about weather conditions
23 or boat conditions?

24 CAPTAIN MAYE: The mechanic, you know, if he
25 feels there's something important to make you informed

1 of, he will -- Stanford Daniels will say, just want to
2 let you know that -- you know, I put some oil in your
3 hydraulic or your steering. If there seems to be a
4 problem when you first run, let me know. For something
5 that he needs to let you know about, he's pretty good
6 about it.

7 MR. WALSH: On a given day that you're going
8 to take the Panther I, what do you do next after you've
9 all decided that you're going to be on the Panther I?
10 What do you do now?

11 CAPTAIN MAYE: I first go aboard the boat --
12 during the week, the mechanic checks all fluid levels,
13 when I say fluid levels, antifreeze, oil. On the
14 weekends, it's the Captain's responsibility to check
15 all the fluid levels. So if I would be checking the
16 fluid levels, top off those. And then I'd start the
17 engine up, let the oil circulate good, do a visual on
18 my gauges, and what I do, I just turn the bilges on to
19 manual, there are three of them there, I check off
20 three visually, to see if they're positing water out.

21 One application of those bilges, while I'm on
22 the subject of bilges, I don't know if it a good policy
23 -- as I've been saying, this is all in retrospect --
24 there's a new type of bilge pump out that's on a cycle,
25 and from what I understand, it senses if there's water.

1 It's a little computer, and it does not have the float
2 switch. The bilge senses if there's water. If it
3 senses there's water, it will continue to pump until
4 there's no water, and it's a new type of bilge -- I've
5 been made aware of it, but I know that the Panthers
6 have that type of bilge pump.

7 MR. WALSH: This type was installed?

8 CAPTAIN MAYE: Pardon me?

9 MR. WALSH: This type was installed, to your
10 knowledge?

11 CAPTAIN MAYE: Yes. Yes. Now, if it cycles
12 every two minutes, I'm here to say on the record that I
13 don't like that application. You know, as I've just
14 stated, four seconds and my boat was down. I need for
15 that bilge to respond quicker than that, if it is on a
16 one or two minute cycle. I stand to be corrected on
17 this sequence of cycles. And I also don't know if
18 those bilge pumps are certified by the United States
19 Coast Guard. I do not know that.

20 MR. WALSH: Captain, you've gotten your boat
21 ready --

22 CAPTAIN MAYE: And I've tested my bilges to
23 make sure -- on manual they will -- and it's not a
24 switch that you can just switch over and walk away from
25 it. You have to manually hold it open. So I've got it

1 ready and then I pull into the gate if it's my
2 prescribed time to start boarding.

3 MR. WALSH: And now guests are coming over,
4 the passengers are coming over to you?

5 CAPTAIN MAYE: Yes. Holding their white
6 tickets.

7 MR. WALSH: And they know to come over to you
8 because?

9 CAPTAIN MAYE: Basically it's -- they just
10 see that loading area, it's close to time, there's no
11 designated signage really, and then at times I'll say,
12 "Okay, all passengers for the nine o'clock, let's start
13 lining up here", and then I'll -- I try to set the tone
14 for the trip. I'll say, "All passengers who brought
15 home baked holiday goods for the Captain, there's a
16 special VIP seating area" -- I set the tone, you know,
17 for the trip. And then it's at that time I look over
18 my crowd and I try to designate where I kind of want to
19 sit everyone.

20 Now, there's only been a couple exceptions to
21 that where I've seated people for stability reasons,
22 but I saw no indications in the crowds -- if I have
23 someone with physical disabilities, maybe I'll put them
24 in a certain area there.

25 MR. WALSH: Have you ever had occasions to

1 put wheelchairs on board?

2 CAPTAIN MAYE: Not on the smaller boats.

3 Now, Manatee II is a wheelchair accessible, or they
4 have some type of ramp to accommodate a wheelchair.

5 MR. WALSH: So the Panthers, as far as you
6 know, don't normally take wheelchairs or walkers, or
7 strollers?

8 CAPTAIN MAYE: I've had people with walking
9 canes, and I've had children that suffer -- I could
10 tell, suffered with muscular dystrophy or something,
11 and then also I make sure I inform parents that have
12 small children exactly where the child life preservers
13 are. And it's never been a policy, but I don't allow a
14 parent with a small child to sit against a railing.
15 There's about that much space, and if they have a small
16 infant, I don't think it could fit through the
17 lifelines around the outboard of the boat, but I don't
18 want to take that chance, so I ask parents if they do
19 have an infant, you know, the parent on the inside if
20 they wouldn't mind holding the infant, and they always
21 comply with me on that regards.

22 MR. WALSH: And you've pulled up to this
23 boarding area, people are coming on board, they're
24 giving you a --

25 CAPTAIN MAYE: A white ticket, yes.

1 MR. WALSH: What's on that white ticket?

2 CAPTAIN MAYE: It says -- at the top,
3 Everglades National Park Boat Tours. On the left it
4 starts, number of passengers, 1 or 2, 3, 4, 5. Then it
5 says the symbol for "at" \$16.00. Say if it's two
6 passengers, then the total, \$32.00. I look at it just
7 to verify the time that they're boarding, if it's my
8 boat, and how many passengers.

9 MR. WALSH: Is it likely to say Panther I on
10 there or --

11 CAPTAIN MAYE: No, it won't designate the
12 boat, no. Just the time.

13 MR. WALSH: How does the office get the
14 information to you that you're ready to go?

15 CAPTAIN MAYE: Yeah, whenever I feel like
16 I've got everyone on board, I'll say -- we monitor
17 channel 7-8 -- and I get on the radio and I'll say,
18 "The Panther on stand-by with 31", "Panther on stand-by
19 with 29", "Panther on stand-by with 34".

20 MR. WALSH: Is there any kind of company code
21 that you do the numbers with so the competitors don't -
22 - can you describe that to us so -- learned about that?

23 CAPTAIN MAYE: Yes, this was very confusing
24 to me at the start. But whenever -- you know, that
25 informal training day, I heard him say "Manatee I on

1 stand-by with 128" -- so you know, 120, maybe some kind
2 of code I don't know about yet. Well, then the next
3 day I kept hearing like these three digit numbers for a
4 double digit capacity boat. So I asked one of the
5 other Captains, I said, what's the one that you give in
6 front of the number? He said, oh, long story short,
7 you know whenever the contract -- I heard whenever the
8 contract is going to be let out here a few years ago,
9 there was a competitor down that was listing to 78 to
10 try to get some passenger totals so they'd know how
11 many passengers Sammy was running down there, so they
12 would maybe know how to configure their bid or some
13 reason. But he said, man, if you've got one through
14 ten -- say you've got seven on board, say you've got on
15 standby with 70. If you've got over ten, just put a
16 one in front of it. If you've got 17 on board, say
17 117. So anyway, he said that's some internal ... they
18 want us to do. So I've said -- Panther on standby with
19 134, or 131.

20 MR. WALSH: And at that point, does the
21 office come back to you?

22 CAPTAIN MAYE: Yes, then they say, Captain,
23 be on stand-by another minute, please. Or they'll say,
24 Alright, Captain, let 'er roll.

25 MR. WALSH: And if the radio isn't working

1 how do you do that?

2 CAPTAIN MAYE: They step in the back and go
3 like this and that means let her roll, yes.

4 MR. WALSH: So if you couldn't radio to them,
5 they're watching?

6 CAPTAIN MAYE: Yes, they just step there in
7 the back. I'm looking towards them, and they go like
8 this or like that, that means I'm ready to go.

9 MR. WALSH: On the day that the Panther I
10 went down, is that the way you guys determined the time
11 to go?

12 CAPTAIN MAYE: Yes.

13 MR. WALSH: And your hand held radio, VHF,
14 which channel do you normally monitor on that one?

15 CAPTAIN MAYE: I leave that off all the time
16 and -- that is just for my own personal -- you know
17 there have been times when I'd be out there and the
18 radio would or wouldn't work, or poor reception in or
19 out or whatever, but anyway, it's my own personal hand
20 held and I just stick it in the bag, the very bottom of
21 my soft bag. I don't even let anyone at the office
22 know I've got it. It's strictly for emergency if I
23 can't make contact any other way.

24 MR. WALSH: Now while your passengers are on
25 board, you have these white tickets. You've done your

1 seat count. Do you do a verification?

2 CAPTAIN MAYE: Well, as they're coming on
3 board -- okay, then I'm getting white tickets, then I
4 get everyone seated. I'm looking up to see if I see
5 anyone coming down, see if I see anyone walking in the
6 front door to purchase a ticket -- I'll do a rough
7 count, two, three four. Then I'll look up and then
8 I'll do just a visual empty seats, and then on this --
9 my son sends me these. He obviously works for this
10 particular airline, but it just worked out good that
11 I'll just write down, nine a.m., 34, put it in -- this
12 group in, store it right there on the side. Office
13 says "Panther 1 on standby, 29" and then they will
14 either say "Captain" with the roll over radio or
15 they'll step out back and give me the signal.

16 MR. WALSH: And then you give your talk to
17 the guests?

18 CAPTAIN MAYE: Yes, at that time, as I'm
19 backing it out, I say, Folks lets keep all our arms
20 inside the boat as I move away. You know, obviously,
21 if someone was to have an elbow out, there's a post
22 there, so I make sure everyone's got their hands aboard
23 before I give a stern propulsion.

24 MR. WALSH: And that's the point when you
25 talk about ... safety.

1 CAPTAIN MAYE: Yes, then as I'm exiting the
2 basin, then that's when I go into the introduction of
3 myself, and then I cover the safety features aboard the
4 boat.

5 MR. WALSH: Has the management given you,
6 formally or informally, the policy and procedures for
7 heavy weather?

8 CAPTAIN MAYE: No.

9 MR. WALSH: So how do you handle heavy
10 weather? Thunder storms? Squalls?

11 CAPTAIN MAYE: Really, I feel that every
12 Captain there just relies on their past experience, to
13 make that personal call.

14 MR. WALSH: Has there ever been an
15 opportunity to say I'm not going out because it's heavy
16 weather?

17 CAPTAIN MAYE: I'm trying to think --

18 MR. WALSH: In your observation, not just of
19 you but have you ever seen a boat say no, the weather's
20 too heavy? I'm not going out?

21 CAPTAIN MAYE: I'm trying to remember, and I
22 can't --

23 MR. WALSH: Not just your boat, but are you
24 aware of anybody saying no, I can't take this boat out
25 -- stormy weather, poor visibility or --

1 CAPTAIN MAYE: Yeah, me, myself, I've refused
2 two trips due to heavy lightning. And I received --
3 and nothing was said from the office, really. I just
4 said -- Donna was selling tickets inside. I said,
5 Donna, we've got heavy lightning, and I'm not going to
6 run this trip. She said, Okay, Captain, I'll pass it
7 on. And so I sent the passengers back in and whether
8 they were given a refund or put on a more enclosed
9 boat, I'm not for sure.

10 There has been two or three days when there
11 was 20 knots, maybe, that I did more of a slower, inlet
12 tour. I just tried to keep away from exposed areas,
13 and there has been a few times that -- this is my own
14 personal application -- I had a -- basically a shower
15 curtain, you know, at home, and the two people in the
16 front row, I asked them if they wanted to lay that
17 shower curtain across their legs in case of a little
18 bit of sea spray, but that was my personal application.

19 I take personal responsibility if I feel like
20 it's extreme enough to cancel a trip, and I never told
21 the owner directly, but I think he knew from his boys
22 and the mechanic, that if conditions were extreme
23 enough that I wouldn't hesitate to cancel any trip.

24 MR. WALSH: But there's no policy that you're
25 aware of?

1 CAPTAIN MAYE: No, no policy.

2 MR. FORD: Who was Donna?

3 CAPTAIN MAYE: The ticket sales person in the
4 office.

5 MR. FORD: And is she related to any of the
6 Hamiltons?

7 CAPTAIN MAYE: No. Not that I'm aware of.

8 MR. WALSH: Captain, does the office require
9 you to turn in your tickets?

10 CAPTAIN MAYE: No, basically there's a policy
11 to just dispose of them at the end of the day. Now
12 from that particular day that the incident occurred, I
13 laid the tickets from that trip out on the windowsill
14 inside where they'd dry up, where maybe they could
15 become legible, but I don't know where they're at.
16 They could have been just disposed of in general
17 housekeeping, or anyway, I laid them out on the
18 windowsill because obviously they were wet, and the ink
19 was not all that legible.

20 MR. WALSH: In one of the instances where you
21 had to put down your anchor and wait for a boat to come
22 out, is there a formal procedure that you're aware of
23 that you wrote out saying this is what happened and
24 provide it to management?

25 CAPTAIN MAYE: No. No, pretty much first

1 thing I do is call in and say, you know, put one of the
2 boys or the mechanic on and we'll discuss -- you know,
3 I've got high temperature alarm, the boat keeled, I've
4 got an anchor out, secure. I need somebody to get out
5 here and start transferring some passengers. And
6 they'll come and get the passengers, and then I go
7 maybe in the sequence of getting on the radio with the
8 mechanic and trying to be more specific about what the
9 problem is.

10 MR. WALSH: From your perspective, now having
11 gone through this emergency, what do you see as an
12 opportunity to do different on board a boat like that
13 or to the Manatee I?

14 CAPTAIN MAYE: You know, in retrospect, the
15 last couple days as I mentioned, I've had some
16 sleepless nights as I give this some thought, and I
17 don't ever want to put a set of passengers in the
18 predicament that they were in the other day. Also, I
19 don't want another Captain to experience what I
20 experienced that day. And -- and I've given some
21 thought about -- you know, you just observe things in
22 your regular day and routine -- it's the day you have
23 that incident in retrospect you can see very clearly
24 some areas that were not good applications. And I've
25 mentioned the barrel lock devices on those doors, and

1 also -- and really no disrespect to your organization,
2 but I feel in my own opinion that the days of wooden
3 boats with a thin fiberglass skin over are over. We
4 have way too modern of applications of boats, and I
5 feel in my opinion, that Mr. Hamilton would keep saying
6 -- to his boys -- you know, I'd hear -- let's just try
7 to run these one more day. They've been paid for a
8 long time, let's run them one more year, one more year
9 -- ever since I started, I guess just as a pep talk,
10 you know, when maybe he'd see mechanics coming on board
11 and off, on board and off on a pretty routine basis.

12 And I sensed it had been propaganda -- we
13 made it through this season, next year you're going to
14 have a 39 passenger brand new twin outboards, man,
15 you'll be ready to go. We're going to make this
16 season. We've got to get some money in the coffer this
17 year. Help us out here. You know, when you're
18 continually getting these little propaganda pep talks
19 all the time. Captain Maye, we're going to have one
20 heck of a party when we get this season out of the way.

21 Well, the new boats never come, and it just -- it's
22 just in my observance that there's a policy of we'll
23 run them one more day. We're milking a cash cow out
24 here, and we're going to sell some more tickets
25 tomorrow, we're going to sell some more tickets the

1 next day.

2 But back on track is, I feel those barrel
3 locks, I feel -- as I mentioned, there are too many
4 modern designs of boats that have no bilge, that they
5 have built in flotation, that the -- you know, the
6 sinking of that boat, it has to be a horrendous
7 accident for it to sink. And we live in the modern
8 ages and you know, for Mr. Hamilton to be able to get
9 those boats inspected one more year, one more year --
10 in retrospect, I don't see how -- I don't think they
11 should have been approved. They're way -- Jim, they're
12 way low freeboard, and so if you get 12 inches down,
13 you're in the water. If you have something happen, it
14 doesn't take very long for 16 inches of freeboard to be
15 in the water. We're talking minor seconds. And I
16 stand to be clarified or corrected on the type of bilge
17 pumps that are on the boat, if they're of that cycling
18 effect, but a two minute duration with cycling signal
19 is extremely too elongated for that boat application.

20 MR. WALSH: When you're making these runs,
21 Captain, ... is there a requirement for you to call in
22 at a certain point, every marker, do you call in to let
23 them know where you are?

24 CAPTAIN MAYE: No.

25 MR. WALSH: And you've already said that you

1 can change your route pretty much based on the weather
2 and your experience, saying you're going to give your
3 passengers a better trip if you go this way or that
4 way. So is there, out of line of sight for management,
5 is that correct?

6 CAPTAIN MAYE: Right.

7 MR. WALSH: So would that be something to
8 that -- as we say, this case was very fortunate?

9 CAPTAIN MAYE: Yes, I --

10 MR. WALSH: Was there an opportunity to test
11 your radio again while you were traveling that day?

12 CAPTAIN MAYE: I think it'd be a good policy
13 on the first trip out, for the Captain to radio in, to
14 do a radio test, you know, once per day. I don't feel
15 it necessary that -- as long as you're in charted
16 navigational waters that, or in excess of four or five
17 foot, that -- for there to be a confirmation call made
18 that you're exiting off your normal path. I don't
19 feel, personally, that that would be necessary.

20 But you know, I will say, for new hires, a
21 formal policy of what to do, what not to do, should be
22 evident down there. I feel Mr. Hamilton has operated
23 that operation many, many years -- I think in excess of
24 40 years, I've heard. He's accustomed to doing things
25 the old business way of doing things. And we live in

1 modern times, and I know that there are a lot of areas
2 that people just do the very minimal to make some
3 compliance.

4 Now back to your original question -- are
5 there some other things that I'd recommend, changes --
6 the secure -- and I don't want to get too far off the
7 track because I know that there was a few points that I
8 wanted to make. I mentioned the barrel locks. I
9 mentioned the bilge pumps being of that new style, I
10 don't know if they're approved. I mentioned that I'd
11 like it to be noted that I think the days of the wood
12 hulls with the thin skin over, especially on low
13 freeboard boats -- if you've got five foot of
14 freeboard, you've got some time to correct some
15 problems. You've got some time to head and beach the
16 boat where passengers can get off the boat. If you're
17 in a low freeboard boat, you don't have that
18 opportunity.

19 Would you mind turning off just for a minute,
20 let me get my train of thought, because I made a few
21 more notes -- I don't --

22 (Whereupon, the hearing was off the record
23 for a brief period.)

24 CAPTAIN MAYE: Yes, now Jim, if you're asking
25 me if there should be a formal document for Captains to

1 sign that the date and time and do a manual check on
2 them -- they check for life preservers on board the
3 boat, that they have basically taken a look at the fire
4 extinguishers on a daily basis; if you're asking me if
5 there should be a radio check out on the first run -- I
6 think there should be some type of a log there to where
7 they're signing off that they did it.

8 Now, I will say that in regard to the
9 informal, loose, shoot from the hip, ownership and
10 management down there, that the team of Captains that
11 he has, I think, in my opinion, are very credible
12 people. I've ran boats many places and they're very
13 competent and they're very experienced. Captain Jim is
14 his eighth season down there. He's an excellent boat
15 handler. Captain Dennis Borders (ph) holds a 100 ton
16 license, and he's a very conscientious, safety-oriented
17 Captain. Drew Anderson also -- he's a younger fellow,
18 but he -- I can really tell that he mentors up along
19 side some of those older guys and listens, and I'll say
20 pretty much the safety related things, the things
21 regards the boat are communicated with us personally,
22 and we do a really good job of communicating with one
23 another about those.

24 Now, may or may not -- on your observance
25 down there, Bob, and you, Jim, or you, Nicole, you will

1 notice on the property strung beer cans all over the
2 place. I will say that it is a common practice down
3 there for the owner and his sons to drink on the
4 establishment. There's been a common practice when I
5 got there, and before me, but I will say under oath
6 that myself, the other Captains, and the mates, have
7 under no circumstances at any time consumed any
8 alcoholic beverages on the property, and certainly not
9 underway in a vessel down there. It's just something
10 that we don't participate in.

11 MR. WALSH: Captain, one of the things you
12 mentioned earlier was you thought some of the people
13 had symptoms of hypothermia. Can you describe what
14 made you think that?

15 CAPTAIN MAYE: Yes, you know, I've been
16 trained that -- first aid, CPR -- that -- to identify
17 those stages and I could tell that it was just at the
18 first stages of -- a little bit of redness on the lips,
19 just a little bit; a little bit of shivering, just a
20 little bit; but I didn't see anything that was advanced
21 -- just in observation. And I asked some of those
22 passengers, to maybe lay down, just get comfortable,
23 get out of the wind on the way back, because obviously
24 I was trying to make my way back as fast as I could, as
25 comfortable as I could. I obviously didn't want to

1 turn the boat up to top speed and expose them to
2 another 20 degrees of wind chill factor on the way back
3 in.

4 MR. WALSH: So the water was pretty chilly
5 that day, huh?

6 CAPTAIN MAYE: You know, I didn't know how
7 chilly it was, really, until I got back and kind of got
8 myself together. I didn't notice it really, but with a
9 little bit of wind, when I got back, I, myself, was
10 having some trouble getting warmed back up.

11 MR. WALSH: We did talk about trying to swim
12 in that current, and you quickly lost energy as well.

13 CAPTAIN MAYE: Yes, I did. And I consider
14 myself a moderately strong swimmer. I feel extremely
15 fortunate, people, that -- at that's what I said at the
16 very first of this -- that I'm regarding it as just as
17 serious as if there was fatalities, because if that
18 crab boat had not appeared when it did, I feel very
19 sure that I would have had some fatalities.

20 MR. WALSH: I know from your statement that
21 you said that you hadn't contacted them ... was the
22 radio not working at that time, or --

23 CAPTAIN MAYE: Jim, when I noticed that I had
24 a bilge problem until we went down, was a few seconds.
25 I didn't have time to grab the radio and obviously the

1 batteries are down in the lowest part of the boat, so
2 obviously they took the salt water the quickest, so I
3 did not have any opportunity to grab the VHF. Mainly I
4 was just trying to yell to the people that could if
5 they could grab some life preservers out.

6 MR. WALSH: That's it.

7 MR. FORD: From the Coast Guard, Nicole.

8 LT. AROYA: Good afternoon, Captain. As you
9 know, my name is Nicole Aroya. I'm a Lieutenant Junior
10 Grade, with the investigation involved ... Miami. I
11 just want you to know that my purpose here is basically
12 to try and understand the causes of the incident. I
13 have some questions that I'm going to ask you that may
14 have to do with management because I want to try and
15 get an idea of exactly how many people were on board.
16 There's some discrepancies there with what you were
17 saying and what the management was saying.

18 The first thing I want to ask you is -- and I
19 think you mentioned this before -- but were you aware
20 of what the certificate of inspection, which is a
21 document that would be on board the vessel -- you said
22 you've never seen that document before, is that
23 correct?

24 CAPTAIN MAYE: That's correct.

25 LT. AROYA: Were you aware of the requirement

1 -- the manning requirement that were on board the
2 vessel?

3 CAPTAIN MAYE: Are you asking me if I was
4 aware of how many passengers were supposed to be aboard
5 the boat?

6 LT. AROYA: Right.

7 CAPTAIN MAYE: I was made verbally aware by
8 fellow Captains.

9 LT. AROYA: So did the management ever
10 explain to you just how many passengers you can have on
11 board? Were there any type of -- for each vessel that
12 they had, do you know exactly how many passengers you
13 could have on board? As far as the requirements -- the
14 Coast Guard requirements are concerned? What they're
15 documented for?

16 CAPTAIN MAYE: Yes, I do.

17 LT. AROYA: As far as --

18 CAPTAIN MAYE: But that information was not
19 given to me by the owner, it was just informal, verbal
20 from the other Captains.

21 LT. AROYA: And have you ever physically seen
22 the document?

23 CAPTAIN MAYE: Not for the Panthers, and not
24 for the Skimmer. One certificate of inspection showed
25 up on Manatee I less than two weeks ago.

1 LT. AROYA: So, for example, if you have 29
2 passengers on board, do you think it's okay for just
3 you to be on board with 29 passengers?

4 CAPTAIN MAYE: As far as stability of the
5 passengers and the wind --

6 LT. AROYA: Safety precautions, all that. Do
7 you feel comfortable with that? What I'm trying to ask
8 you is -- there are requirements for that vessel if
9 there are more than 30 passengers on board, there are
10 certain requirements for that vessel. I'm trying to
11 see if you're aware of what those requirements are.

12 CAPTAIN MAYE: I have not been aware of the
13 distinction of 29 and under and 29 or over. I've never
14 been made aware of that. My understanding was that
15 those boats were grandfathered in. Captain, you put 34
16 on board and let it roll. Never have I seen a document
17 on board that boat.

18 LT. AROYA: And what about when you -- when
19 you have the passengers on board, are there certain
20 seats that you leave empty. When you said you count
21 seats -- you count empty seats. Are they always the
22 same two seats that you -- you always have two seats
23 that are empty?

24 CAPTAIN MAYE: No, Nicole, they're just
25 random.

1 LT. AROYA: Random?

2 CAPTAIN MAYE: Yes.

3 LT. AROYA: Is there any possibility that
4 maybe, because you did say that there were some people
5 that were a little bit heavier or a little bigger on
6 board, is there any possibility that maybe one person
7 could have been in two seats?

8 CAPTAIN MAYE: No, I don't think so.

9 LT. AROYA: It's safe to say that you're
10 positive that there were 34 people on board?

11 CAPTAIN MAYE: Yes.

12 LT. AROYA: That day. Do you recall which
13 seats were empty that day -- on board the vessel?

14 CAPTAIN MAYE: I could say speculative, but I
15 can't tell you for sure.

16 LT. AROYA: More or less where they were --
17 forward?

18 CAPTAIN MAYE: I'm roughly visualizing that I
19 had one seat forward on the starboard side empty, and
20 I'm visualizing that I had one single on the left,
21 port, about midships, empty. But I stand to be
22 corrected on that.

23 LT. AROYA: But just about -- that general
24 area?

25 CAPTAIN MAYE: Yes.

1 LT. AROYA: So when you are boarding
2 passengers and you get their tickets, do you count how
3 many tickets you have in your hand?

4 CAPTAIN MAYE: Yes, after they're all
5 boarded.

6 LT. AROYA: Not only just look at how many
7 passengers you have, but you actually physically,
8 count. You say you have one ticket, two tickets, three
9 tickets, four tickets -- that way?

10 CAPTAIN MAYE: No, I don't do it that way.

11 LT. AROYA: So you're not sure how many
12 tickets you had in your hand?

13 CAPTAIN MAYE: No, I don't.

14 LT. AROYA: And where do you put them? Do
15 you put them in your blouse pocket?

16 CAPTAIN MAYE: I put them in my left pocket -
17 - I fold them one time and put them in there.

18 LT. AROYA: And do you -- that day, when you
19 called into the office, did you report in to the office
20 how many passengers you had on board?

21 CAPTAIN MAYE: Yes. I can't tell you with
22 certainty, Nicole, if I said Panther I's on standby, or
23 if I said Panther I's on standby with 29 or -- I can't
24 say for certain if I gave them the number of
25 passengers.

1 LT. AROYA: Did the office acknowledge -- did
2 they reply to you by radio? Do they do that? Or did
3 they come outside and give you that little signal? Do
4 you remember?

5 CAPTAIN MAYE: No, I don't.

6 LT. AROYA: What is -- what is the
7 possibility -- you said the tickets have the number of
8 people that are buying that ticket and how much they
9 were charged for it. And then they say the time that
10 the vessel -- is that how you know that it is your
11 vessel? Do other vessels depart at 1300 from the
12 dock?

13 CAPTAIN MAYE: Yes, a vessel departs from the
14 base every half hour. So the passengers for this
15 particular trip would say two tickets at \$16.00, two
16 dash zero zero, for two p.m. It's not in international
17 time.

18 LT. AROYA: Is there a possibility, for
19 example, if I were a passenger, can I have a ticket for
20 a two o'clock tour and say no, I don't want to go on
21 this vessel, I want to go on this other vessel at a
22 later time? Is it possible for that to happen?

23 CAPTAIN MAYE: Yes, and it has happened.
24 We've had some senior citizens, mainly, that are on
25 this sun-sensitive -- they see the vessel that has a

1 deck with sun protection and I only send them back in
2 to the ticket office to exchange their tickets.

3 LT. AROYA: So if you see a passenger, for
4 example, that comes to your vessel and says I want to
5 go on your vessel, and -- but they don't have a ticket
6 that says two o'clock, for example, do you also tell
7 them to go back and change it for your time schedule?
8 Do you do the same if it's the other way around? Say,
9 there's a boat leaving at 2:30 but they want to go at
10 two o'clock, do you tell them also to go change it for
11 the two o'clock? Do you understand --

12 CAPTAIN MAYE: Yes. I say it's a pretty rare
13 occurrence. Mainly the ticket office, they sell
14 tickets for that ride and right after I leave the
15 basin, they're selling tickets for the next ride.

16 LT. AROYA: When you went to the boat that
17 day, you saw Wells on board, do you recall exactly what
18 he said?

19 CAPTAIN MAYE: At the time that I first saw
20 him, he was working on electrical, and I basically
21 said, Ken, do you think I'm going to be ready for my
22 nine o'clock? And he said, well, I don't know I'm
23 working on electrical and then I've got to check a
24 bilge out. And I said, well, just let me know and if
25 you don't think that the boat'll be ready, I'll talk to

1 Stanford, which is the mechanic in charge, about if he
2 wants Drew to pull up in the slot for the nine o'clock.

3 He said, okay, will do.

4 LT. AROYA: Did you talk to him after he got
5 off the vessel, or did he tell you anything of what he
6 did? Did he do any repairs? Did he change this wire?
7 Did he look at this bilge? Did he say anything like
8 that?

9 CAPTAIN MAYE: No, I just basically saw it
10 about 9:45 that he was off the boat and the boards were
11 placed all back, in effect, and as I walked out of the
12 back room, I saw Stanford. He was the mechanic in
13 charge, and I said, Stan, am I all ready? He said,
14 yep. That's all, and I headed down to the boat.

15 LT. AROYA: So you never talked to Wells
16 again? It was Stanford that told you --

17 CAPTAIN MAYE: Yes, right. He was right in
18 the area.

19 LT. AROYA: And did the bilge pump alarms
20 come on at all while the vessel was going down? Or did
21 you actually switch on the bilge pumps down there?

22 CAPTAIN MAYE: I was holding them on
23 manually, but intermittent --

24 LT. AROYA: Any indication from the bilge
25 pumps at all that there was water? Anything prior to -

1 - prior to going down?

2 CAPTAIN MAYE: No.

3 LT. AROYA: So you had to switch it on
4 manually?

5 CAPTAIN MAYE: Yes.

6 LT. AROYA: And when you switched it on
7 manually, it was more to check or was it -- was it
8 after the fact that it was going down, or were you
9 checking on it to see if the bilge pumps were working?

10 CAPTAIN MAYE: At that time I sensed I had a
11 minor bilge problem, but I saw that I was sitting lower
12 freeboard, but at that time I did not think that I had
13 an alarming situation to deal with.

14 LT. AROYA: Did you have any children under
15 five on board that day, do you recall?

16 CAPTAIN MAYE: I recall two children on
17 board. I'm going to estimate their ages at about seven
18 and 12, I believe the boy was the younger, and then the
19 girl was maybe approximately 12.

20 LT. AROYA: Let me go back to when the
21 Captains are talking about which vessels they're going
22 to take out. Is it -- does Sammy Hamilton get involved
23 at all with appointing you guys Captains on tour
24 vessels, or the Captains decide which vessel among
25 themselves?

1 CAPTAIN MAYE: Pretty much -- the start of
2 this season we just said, let's rotate around.

3 LT. AROYA: Is that an actual rotation, like
4 you know exactly what boat you're going to be on which
5 day?

6 CAPTAIN MAYE: No, just casual conversation
7 out there. We just say, well, you run that one, I'll
8 run this one. Is that alright with you? You know,
9 Sammy Hamilton III is in charge of the Captains, and
10 he's verbally just said, you guys can work it out and
11 get along, fine. If not, I'll intervene, but you guys
12 have been working together a long time, you guys get
13 along and you guys manage it like you want. The reason
14 that we do it rotation is because like the Manatee I,
15 the ... side is dark gray, you don't get inside a lot;
16 where the Panther boats are more personable rides --
17 you know, just in loose terms, we call the Manatee one
18 the dungeon -- you're down below. It's an enclosed
19 cockpit, so that way no one's stuck in the dungeon
20 every day of the whole season.

21 LT. AROYA: And you mentioned something about
22 getting your name put on a -- written down on a board,
23 telling you what vessel you're on -- is that --

24 CAPTAIN MAYE: Oh, I just said the work
25 schedule is --

1 LT. AROYA: Okay.

2 CAPTAIN MAYE: -- a very -- loose leaf sheet
3 of paper and names are written on there, but the vessel
4 that you're running is not indicated on the work
5 schedule right there, and pretty much, Sammy Senior was
6 telling me -- I guess he told me on Christmas Day that
7 he said, Captain, just be prepared to be on the
8 schedule until we get ... drop down, so I said, okay.
9 So I'd been on the work schedule from, I guess, from
10 December 23rd.

11 (Change of tape.)

12 LT. AROYA: You said that you were aware that
13 the Panther I had a hard grounding ten or 15 days ago.

14 CAPTAIN MAYE: That's correct.

15 LT. AROYA: Did you see any repairs being
16 done to the Panther I?

17 CAPTAIN MAYE: No. I know that I saw it on
18 the lift out back, and I know saw some work being done
19 underneath, and it was towards the stern.

20 LT. AROYA: And who was doing the work?

21 CAPTAIN MAYE: Stanford Daniels.

22 LT. AROYA: And that was -- that was just him
23 by himself?

24 CAPTAIN MAYE: Well, I saw Sammy Hamilton III
25 going -- walk back and forth -- the lift area where

1 they lift these Panther boats out is back behind a long
2 fence, so from the front area you're not able to
3 observe exactly what's going on, but I had seen Sammy
4 Hamilton III, you know, walk back and forth, and I'm
5 not sure exactly what all they were doing, but I know
6 that they were doing somewhat back in the stern area
7 underneath the boat.

8 LT. AROYA: Do you remember if it was port
9 stern or --

10 CAPTAIN MAYE: It looked like about midships,
11 maybe where the prop driveline maybe came out of the
12 boat -- in that area of the boat.

13 LT. AROYA: Do you know if Sammy or Stanford
14 were ... if they had any ...

15 CAPTAIN MAYE: In regard to Stanford, I don't
16 think any formal training, but I will say he's a good
17 fiberglass man, but he's not in any regard qualified to
18 make a determination on the seaworthiness or the
19 credibility of the hull.

20 LT. AROYA: What about Sammy Hamilton III?

21 CAPTAIN MAYE: Same, nothing formal, and he
22 really does not have mechanical skills.

23 LT. AROYA: Would you say you were more --
24 when the vessel went down, would you say you were more
25 than 1000 feet from land?

1 CAPTAIN MAYE: No.

2 LT. AROYA: Do you know how far from land --
3 not from mangroves, from land. I know you were --
4 mangroves were right there -- from where the vessel
5 goes out to where you were, would you say that was more
6 than 1000 feet?

7 CAPTAIN MAYE: I'm going to say that I was
8 right in the middle of the channel, in front of number
9 7, and the shore line over on one side was 35 to 50
10 yards away, and the shore line on the other side was
11 approximately 50 to 60 yards away. And there was a two
12 knot current, which was running in an east direction at
13 that time. The recreational vessel was on the outbound
14 side of me, so I was swimming towards it, so we had an
15 inbound current, against the direction that the
16 passengers had to swim.

17 LT. AROYA: Now, these shorelines that you're
18 talking about, those were mangroves?

19 CAPTAIN MAYE: Yes, there are -- there's --
20 I'm going to say there was about -- there may have been
21 about four foot of shell sand and then mangrove.

22 LT. AROYA: Are you aware of any alcohol
23 being sold on any vessels at all -- any vessels that
24 there are --

25 CAPTAIN MAYE: Yes, on the Manatee I and the

1 Manatee II.

2 LT. AROYA: Both Manatees? They sell alcohol
3 to passengers?

4 CAPTAIN MAYE: Right.

5 LT. AROYA: And have you ever been on a Coast
6 Guard inspection of one of the Panther boats or either
7 of the Manatee boats?

8 CAPTAIN MAYE: I do not participate in any
9 inspections, no.

10 LT. AROYA: Why not? I mean is there a
11 reason for that or is it just that they --

12 CAPTAIN MAYE: About -- as far as my
13 understanding, you know, the Captain does not have to
14 be present during those inspections, and mainly you
15 know, my job position is to run the boats down there,
16 but pretty much that inspection has all been done by
17 Sammy Hamilton III. Pretty much -- there's an informal
18 line down there that this is the back area and the
19 ownership handles the inspections and the maintenance
20 and us Captains arrive in good, clean uniforms and
21 we're strictly customer service, licensed Captains, and
22 we just take care of the passenger side of the
23 operation down there. But even though there is an
24 informal line, pretty much we don't -- or we haven't at
25 this point, gotten into their operation. I will say if

1 any of us Captains have a question about what was done
2 to that boat so I'll know, pretty much the mechanic
3 will tell us.

4 LT. AROYA: And take me back to when -- to
5 that day when you went upstairs to the ranger office
6 with Sammy Hamilton. Could you repeat what Sammy
7 Hamilton Junior said about the number of passengers?

8 CAPTAIN MAYE: Yes, Park Ranger Kiefer, here,
9 asked Sammy Hamilton and I to both come upstairs, I
10 guess Kiefer's superintendent wanted a written
11 statement immediately -- a verbal statement
12 immediately, and I think more out of concern to have me
13 -- we were still trying to make a determination of head
14 count. So Sammy and I both walked upstairs, and we set
15 down, and Kiefer really just in general said, how many
16 passengers did you guys have on board the boat? And
17 Sammy Hamilton's response was that Kiefer, he had 34
18 passengers on board, the Captain, he was carrying a
19 mate by the name of Louis Danielson (ph). At that time
20 he said, I've got a lot of things going on down below,
21 I've got to get down and check some things -- people
22 want me down there. I've got to get right downstairs.
23 Then he left the office, and that's when I asked
24 Kiefer to make a retraction, or log down please, my
25 comments that yes indeed I had 34 passengers on board,

1 but I was the Master of the vessel and I carried no
2 mate. I did not, at that time, go into the elaboration
3 with Kiefer about me not having any knowledge about at
4 what point in time possible if I was required to carry
5 a mate.

6 LT. AROYA: And you don't -- you have no idea
7 why Mr. Hamilton made up that?

8 CAPTAIN MAYE: My inclination is that all
9 along that that boat was certified for 30 passengers
10 with one Master. If they exceeded 29 or 30, had to
11 carry a mate, and he's been deceitful to us down there,
12 in that regard, in order to sell four more tickets for
13 four trips a day, accumulate more revenue. And that's
14 my inclination at this point.

15 LT. AROYA: Would you -- take me back to when
16 they were doing repairs for the grounding. Did you
17 ever ask if anything -- how -- what happened? Did you
18 ever ask Stanford or Sammy, the vessel ... what repairs
19 did you do?

20 CAPTAIN MAYE: Like after that day? You
21 know, at the end of the day, I asked the other
22 Captains, you know, I said, what happened to Drew out
23 there? And Captain Drew and Captain ... said that
24 Captain Drew had got off the channel just a little bit
25 and had grounded. Captain Drew told me that the water

1 intake for the engine is protected with a scuffer,
2 where water comes in, obviously from the front for the
3 water intake to the ... is exited out. When he
4 grounded it stopped up the scuffer. The watering tank
5 was not able to take water, and the engine started
6 overheating. And Captain Drew did say that he
7 experienced some steering problems. So that tells me
8 it must have been a pretty hard aground on some shells
9 that clogged up the scuffer and it damaged something
10 back on the steering or the strut of the boat. And
11 then -- that was -- anyway, that was casual
12 conversation about us -- you know, it was a good time
13 for that to happen because we'd like to have that boat
14 in service -- just between the Captains. Because
15 obviously, if a boat isn't running, one of us has to
16 stay home, and we all need to work. So anyway, most of
17 us regret that we -- I received that information. Like
18 I said, I'm running my own boat, and I've got
19 relatively full loads and what I hear on the radio, I'm
20 just casually informing myself. I know later on I'll
21 get the details.

22 So -- but I do know that after that, the best
23 I can recall is that it was not Panther II back there
24 on the lift, it was Panther I, and that they were doing
25 some things to it to get it back in service, expecting

1 the holiday season.

2 LT. AROYA: Do you know if ...

3 CAPTAIN MAYE: No, I can't tell you
4 specifically what I saw them doing, or what tools that
5 they had out. I can just tell you that from time to
6 time I'd see two or three bodies back around the strut,
7 the prop and the driveshaft of the boat there.

8 LT. AROYA: Captain, I just have one last
9 question. What is your view of what happened that day?
10 What caused it to go down so quickly?

11 CAPTAIN MAYE: Well, I mean really before I
12 come up with a final, where I could say this is what I
13 know what happened, I'm going to need to rely on you
14 folks after you get your inspection done. But, I'm
15 very speculative, at the time of this -- meaning right
16 now -- that possibly whenever Captain Drew had that
17 hard grounding that they pulled it out of service
18 quickly, they did a rough, quick, fiberglass quick fix
19 on it and threw it back in the water where they could
20 get additional revenue for the holiday season. That's
21 speculative on my part, and as I mentioned earlier, I'm
22 going to be very, very disturbed to learn that the
23 Marine Safety Office in Miami was not contacted about
24 that hard grounding, it was not allowed the opportunity
25 to do an inspection on the vessel for seaworthiness.

1 I'm going to be very, very upset if I learn later that
2 that did not happen. And if I find that the results of
3 your investigation show that that strut maybe was
4 knocked up in the hull, or the driveline was knocked
5 over to where there was some water intrusion, I'm going
6 to be very upset if they jeopardized the lives of 34
7 passengers on myself by putting an unseaworthy vessel
8 back in service without making proper modifications.

9 LT. AROYA: Thank you.

10 MR. FORD: We're just going to pause for a
11 minute.

12 (Whereupon, the hearing was off the record
13 for a brief period.)

14 MR. FORD: Okay, Kiefer.

15 MR. GIER: Okay, for the record, my name is
16 Kiefer Gier. I'm lead investigator for the National
17 Park Service. I was on the scene for most of the
18 incident when the people returned to the docks. Some
19 of the questions I'm going to ask are going to seem
20 repetitive but I just sometimes need some verification,
21 and a yes or no answer would be fine.

22 I just want to verify, you said that Kenny
23 Wells was working on Panther I bilges the day of the
24 incident. You did in fact state that he was working on
25 the bilges.

1 CAPTAIN MAYE: That is correct.

2 MR. GIER: And did you clarify what on the
3 bilges he was working on?

4 CAPTAIN MAYE: No, he wasn't specific. He
5 just basically and generally stated I'm working on the
6 bilges. I'm going to finish working on the electrical
7 and then I've got a bilge pump to work on.

8 MR. GIER: Did he give any indication -- do
9 you know if those bilges are supposed to have an
10 audible alarm or just a visual alarm?

11 CAPTAIN MAYE: I'm not certain if they have
12 to have both. There are visual alarms. There are red
13 lights that come on when they're operating, but there's
14 not an audible alarm on those vessels, no.

15 MR. GIER: In relation to that question, you
16 said -- I had read your statement that you had provided
17 to me, and in our conversation today -- you had said
18 that you had to manually pump the bilges. At any time
19 did those lights come on during your journey? Did
20 those bilge pumps come on during the journey, either by
21 the sound of overboard discharge or by light
22 indication?

23 CAPTAIN MAYE: Yes, you know, maybe as I
24 mentioned earlier, you get drifting from the driveshaft
25 gland and -- they're older boats, so it's just not

1 uncommon for there to be some water in the bilges. And
2 routinely, when you make maneuvers to port or
3 starboard, a little bit will splash one way or another.

4 It's not uncommon for the lights to come on, but the
5 key is if they come on and stay on, and they did not,
6 on my trip, come on and stay on.

7 MR. GIER: So there is a possibility -- is
8 there any possibility that those, while you were
9 maneuvering out towards marker number 7, looking around
10 at wildlife and talking to the people, that -- is there
11 a chance that those bilge lights were on at that time?

12 CAPTAIN MAYE: There's a possibility that
13 they were on, but they were not pumping because I
14 cannot visually see the discharge from the helm
15 position.

16 MR. GIER: When you looked down and you
17 realized there was some water in the back of the boat
18 and you went to manually activate the bilge --

19 CAPTAIN MAYE: Yes.

20 MR. GIER: -- they weren't on at that time?

21 CAPTAIN MAYE: Yes, they were on but I
22 questioned whether they were pumping.

23 MR. GIER: Okay, so in fact the lights were
24 on, but you weren't sure they were pumping, is that
25 right?

1 CAPTAIN MAYE: Right.

2 MR. GIER: So you did it manually and then
3 you asked a man --

4 CAPTAIN MAYE: Right.

5 MR. GIER: And you don't have any idea how
6 long those lights were on or had been on?

7 CAPTAIN MAYE: No, I don't.

8 MR. GIER: They could have been on for maybe
9 15 minutes prior to that?

10 CAPTAIN MAYE: Well, I think that if I would
11 have seen one stay on, it seems to me, I would have
12 noticed it.

13 MR. GIER: Mr. Hamilton stated that the boats
14 were grandfathered and that they did not need a mate?
15 The Panthers I and II?

16 CAPTAIN MAYE: That's correct.

17 MR. GIER: His statement to you was that
18 those boats are grandfathered, you don't need a mate.

19 CAPTAIN MAYE: That's correct.

20 MR. WALSH: Could I ask a question?

21 MR. GIER: Sure.

22 MR. WALSH: When we discussed your
23 orientation, Captain, and you came in, you were taken
24 out by one of the other Captains, was it the other
25 Captain that said that about the grandfathering?

1 CAPTAIN MAYE: Yes.

2 MR. WALSH: Because I thought that that's
3 what I remembered, but I just wanted to make sure.

4 MR. GIER: Yes, when I asked a question, I'm
5 actually trying to be extremely specific, so if it was
6 Mr. Hamilton or one of the other Captains that said
7 that stated that, could you clarify that?

8 CAPTAIN MAYE: Yes, it was -- I'm relatively
9 sure that the first person that told me that was
10 Stanford Daniels took out a training run. But to
11 exclaimate what he said, the other Captains told me that
12 also. And the other Captains did tell me that Sammy
13 Hamilton told them directly.

14 MR. GIER: Had he ever told you directly?

15 CAPTAIN MAYE: No, not that I recall.

16 MR. GIER: So, it's not to speculate, but
17 your best recollection of your conversation with other
18 Captains and the like, and not so much to be hearsay
19 information, but all the Captains are under the
20 impression that the Panther I and Panther II did not
21 require another?

22 CAPTAIN MAYE: That's correct.

23 MR. GIER: Eventually I'll ask them later,
24 but just wanted to get your general idea of what the
25 feeling was. I know that you said the boat went down

1 expeditiously. And I understand that. And you said
2 that you monitored channel 78?

3 CAPTAIN MAYE: Yes.

4 MR. GIER: What is your accessibility to
5 channel 16. If you wanted to, say, switch from channel
6 78 to channel 16, about how long would it take you?

7 CAPTAIN MAYE: It's longer than what I'd like
8 on a low freeboard boat. You turn a wheel device to
9 unlock a door, swing the door out and hit the channel
10 16 button, and it would go to 16.

11 MR. GIER: So when you say you have to turn
12 that knob to unlock it, is it -- is that a hindrance to
13 get to the radio?

14 CAPTAIN MAYE: Yes, it is.

15 MR. GIER: And approximately a few or a -- if
16 you say right now, I want to get to that radio and turn
17 to 16 --

18 CAPTAIN MAYE: Two to three seconds.

19 MR. GIER: Two to three seconds. Seconds.

20 CAPTAIN MAYE: Two and a half to three
21 seconds.

22 MR. GIER: And it would -- there's one
23 specific button for the channel 16 emergency down
24 frequency for the Coast Guard?

25 CAPTAIN MAYE: Right. You hit one button and

1 it automatically goes to 16.

2 MR. GIER: You've utilized the channel 16
3 before? Have you ever spoken on channel 16 before?

4 CAPTAIN MAYE: You mean ever in my --

5 MR. GIER: To ask a question, get help --

6 CAPTAIN MAYE: Yes. Yes. Yes, I've given a
7 ... or some obstruction in the waterway, branches,
8 trees or maybe ... I'm not microphone shy, no.

9 MR. GIER: Briefly explain your familiarity
10 with ...S. I know you trans... many times in your
11 journeys. That specific -- sometimes you don't go out
12 as far because it's rough.

13 CAPTAIN MAYE: Yes.

14 MR. GIER: You don't go out into the Gulf as
15 far because it's rough. In this case, there was a
16 little bit of chop, you stayed in, but you're familiar
17 with the depths of that area, the chop of -- where the
18 chop ends and starts, the in and out of the pass? How
19 familiar are you with the pass in that area now?

20 CAPTAIN MAYE: I -- I'd say right now I'm
21 very familiar. I've had the experience of running
22 trips that ran extreme low and on those type trips you
23 really are able to look at the extension of sand bars,
24 fixed pitch, and of drop offs from them -- so I made
25 real careful mental notes that whenever I ran trips,

1 I'd ... low like in the spring and late fall, so I feel
2 like I'm very familiar with the ... passes in there.

3 MR. GIER: In relation to that question, on
4 the specific --

5 CAPTAIN MAYE: Can I make one more comment?

6 MR. GIER: Sure.

7 CAPTAIN MAYE: Now, I'm ont familiar with the
8 depths in the centers of the channel, because I've not
9 a depth sounder on board the boat. But the topographic
10 around and where the shoals are, I'm very familiar.

11 MR. FORD: This afternoon, as we go out and
12 you can pretty much give us a tour as we head out
13 there, right, where you can point out --

14 CAPTAIN MAYE: Everything.

15 MR. FORD: That sounds good.

16 CAPTAIN MAYE: Sure.

17 MR. GIER: So on this specific date when the
18 incident occurred, did you deviate from your normal
19 route whatsoever, going out ... or were you just on the
20 normal routine?

21 CAPTAIN MAYE: Best I recall I did no
22 deviation at all.

23 MR. GIER: Okay, and at the time of the
24 incident -- I'm sure you're going to show us -- were
25 you in our outside of the channel or were you in the

1 channel?

2 CAPTAIN MAYE: I was right in the middle of
3 the channel. I did not ever, on that trip, get out of
4 channel.

5 MR. GIER: Do you -- looking back on the
6 incident itself, just before you went to activate the
7 bilge pumps, in your best guesstimation, do you think
8 there was a lot of water below deck in those bilges at
9 the time?

10 CAPTAIN MAYE: Yes, but --

11 MR. GIER: Would you say it was excessive?

12 CAPTAIN MAYE: I say in retrospect, it was
13 excessive.

14 MR. GIER: Did it -- did it -- it obviously
15 brought your attention to activate or insure that the
16 bilges were pumping. At that point in time were you in
17 any fear of an incident occurring?

18 CAPTAIN MAYE: No, at that instant, second, I
19 wanted to insure that the bilges were working, and --
20 but no, at that instant, no.

21 MR. GIER: So your train of thought was
22 activate the bilge pump above the excess line and
23 hopefully that would take care of the problem.

24 CAPTAIN MAYE: My main frame was I've got a
25 few heavy set passengers on the back of the boat. I'm

1 not sure about the operating of the bilge. I'm going
2 to turn it on manual. I'm going to get a little bit of
3 water out, and then I'm going to proceed on. And I
4 believe I'm seeing I'm setting lower on the water than
5 I guess I've ever seen it. But I still attributed I
6 had excess water in the bilge and I had some heavy set
7 passengers in the back. But you know, keep in mind,
8 it's like 1001, 1002, 1003 that I'm noticing this.
9 It's not -- you know, it's not --

10 MR. GIER: I understand. I fully understand.

11 My last question, then, would be -- you noticed you
12 had like excess passenger weight in the stern, and the
13 bilges -- you checked the bilges because you thought
14 there was water, did you even get an opportunity to
15 say, to look at the back of the boat and determine how
16 far above the water that the gunnel was? In the stern?

17 CAPTAIN MAYE: Yes, as I looked back to do my
18 visual of a little bit of excess water, the gunnel was
19 right behind me also, so I think that I had, you know,
20 about that much freeboard. I will say that -- I've
21 loaded that boat many a time, loaded it with heavier
22 passengers forward and backward and I think it's just
23 the combination of something was not working on the
24 bilge pumps and excess weight in the back. I had some
25 water intrusion, and then the combination of all four

1 of those things attributed to going down.

2 MR. GIER: Thank you. That's all the
3 questions I have.

4 MR. FORD: Okay. Just a few more. Have you
5 ever received any training in crowd control?

6 CAPTAIN MAYE: Through the Coast Guard or
7 anything in general, Bob, or --

8 MR. FORD: Yes, any maritime training center?

9 CAPTAIN MAYE: No.

10 MR. FORD: Okay, that's fine.

11 CAPTAIN MAYE: You know, I feel -- I feel
12 very confident in following procedures and protocols,
13 maintaining calm, you know, exercising the safety
14 things I've been training -- I'm very confident in
15 that. And you know, I feel like just about everywhere
16 I've went, including at the National Park, that I can
17 tell the other Captains the way they ask me advice,
18 that they hold my opinion very strongly in regards to
19 safety protocol and procedure in that regard. But I --
20 I'm not a bashful person. I'm charismatic personality
21 and I've always been a person in charge of anything I
22 do. So being able to take charge of a situation has
23 not been a deterrent factor in anything I've ever been
24 in.

25 MR. FORD: Okay. Have you ever been offered

1 a mate, say Mr. Hamilton see that you had a lot of
2 children on board, he'd come to you and say, hey, you
3 want some extra help -- offered his sons' assistance?
4 Sammy? The mechanics? Anybody?

5 CAPTAIN MAYE: No.

6 MR. FORD: You sound like you're a fairly
7 tight knit group, you have been. You sit around and
8 talk before the day starts, and you even had the term
9 for the Manatee -- the dungeon. Were there other
10 similar types of complaints or discussions, like, I
11 don't want to go on that hog? Anything that you can
12 shed light on -- the opinions towards the other boats?
13 Or the Panther I for that matter?

14 MR. WALSH: Or the operation itself?

15 CAPTAIN MAYE: You know, the general
16 consensus in informal terms between the Captains is
17 that -- and whenever you hear the term from me or them
18 or anyone else about the old man, it's in regard to
19 Sammy Senior. Obviously, we've got Sammy Hamilton
20 Senior, Sammy Hamilton III -- so everyone refers to
21 Sammy Hamilton Senior as the old man, and Sammy
22 Hamilton III as Sammy. But everyone has a general
23 consensus that the old man is looking out for number
24 one, himself, and his pocketbook.

25 And honestly, we're a competent enough group

1 that we would have no trouble landing a Captain's
2 position anywhere else. But we like living in an area
3 that's away from the urban areas, so you're not faced
4 with rush hour traffic, and we like living down in this
5 area and doing seasonal boat rides. It's a -- the
6 atmosphere, being able to give a narrated tour in the
7 10,000 island chain in a relaxed environment once
8 you're out there, it's a great opportunity and it's --
9 you receive a lot of personal satisfaction out of the --
10 - from giving a good narration, informing people a lot
11 about the park.

12 But the general consensus, I think anyone
13 that knows Mr. Hamilton is that his perception is that
14 himself, and his pocketbook and the other citizens in
15 Everglades City are a very low level of people and
16 they're there to supplement his service station and his
17 boat tours and his other operations around.

18 He has very little regard for any of his
19 employees. And you know, it's amazing to me, quite
20 frankly, how a concessionaire that is under the federal
21 program umbrella is allowed to operate an operation
22 that does not provide health insurance, does not
23 provide vacation, double pay on holidays, overtime for
24 mates. He's operated this way for many, many years.
25 We shook our heads when one mate had some health

1 problems, intestinal problems, and he was laid at home
2 for almost two months, and not once did Sammy Hamilton
3 attempt to pass a hat or maybe we would contribute just
4 some groceries, or drop by the gentleman's place -- he
5 has just no regard for, in my opinion, -- employees are
6 vehicles to bring revenue in the front door. That's
7 his first priority at all times.

8 MR. FORD: How is other employment in the
9 area? I mean have you looked into some of these other
10 boats that operate?

11 CAPTAIN MAYE: Oh, yes. When I was employed
12 at the Marriott, it was a first class operation.

13 MR. FORD: You were operating boats?

14 CAPTAIN MAYE: Yes, I was. Protocol,
15 procedures, health benefits, vacation, safety meetings
16 regularly -- everything according to protocol. The
17 problem is after 9/11 the occupancy rate at the hotel
18 went from an average of about 70 to ten percent. It
19 was just not -- if it hadn't been for the events of
20 9/11, I'd still be the -- one of the main Captains at
21 the Marriott Hotel.

22 MR. WALSH: Captain, do the Captains all
23 review charts of the 10,000 island area?

24 CAPTAIN MAYE: Oh, whenever a new Captain
25 starts, it's very informal, Jim. You ride and the

1 Captain goes, that shoal over there comes out a little
2 bit. Between say number 14 and number 16, don't stray
3 too far to port, as there's a shoal area -- that's
4 informally known. Never a chart pulled out or --

5 MR. WALSH: Do you post a log, the old pilot
6 type log with that type of information?

7 CAPTAIN MAYE: I can't speak for the other
8 Captains, because you know, I'm assuming some of them
9 keep a pocket log or as I mentioned earlier, I just
10 keep this old pocket log here that I make some brief
11 notes on it and my notes from this last washed away.
12 But I can't speak for the other Captains in what -- if
13 they log ...

14 MR. WALSH: Nicole wanted us to make sure
15 that you were asked have you ever had an episode where
16 you disagreed with a direct direction given to you by
17 the Hamiltons, whether it was Hamilton, the old man as
18 you call him, or the III?

19 CAPTAIN MAYE: Yes, I have.

20 MR. WALSH: And could you give us a little
21 information on how that episode went and what it was
22 all about?

23 CAPTAIN MAYE: It's been my observance that
24 they will rent a canoe to anyone under any weather
25 conditions at all, stick some money or a credit card on

1 the table. I've seen them rent canoes in 30 knot winds
2 to someone that would rent one. And I just couldn't
3 let it -- it bothered me too much and I called Stanford
4 Daniels off to the side. I said, Stanford, you're a
5 member of the family -- Stanford Daniels and Sammy
6 Senior are first cousins -- I said you've got to go and
7 talk to the old man. You guys can't rent canoes in
8 these kinds of conditions. Captain, you'd better run
9 your boat and let the old man and them run their office
10 in there. Alright. So I ran my boat.

11 Now, I'm on the Panther, I'm heading out to
12 the basin -- now this is 25 or 30 knots --

13 MR. WALSH: Wind?

14 CAPTAIN MAYE: Of wind, yes. Now, gusty
15 conditions. Sometimes it's laying at 15, but every
16 once in a while, gusty. Now, I didn't have a full
17 load, and you know, that's my call. Going out, that's
18 my call. I've got the opportunity to walk in and say
19 I'm not running this ... But I felt like it was 15,
20 some gusty -- possible chance of gusty conditions, I
21 could do more of it inland, safe, and I seat more
22 people amidship, maybe keep the first two or three rows
23 empty, and I could give a redeeming trip. I felt that
24 I could and keep within the margin of safety.

25 I proceeded on up, inland trip, I noticed a

1 couple with a small child, that they rented a canoe
2 headed out across Chokoloskee Bay, and as I'm heading
3 out. I've got a visual that they're not going to go
4 very far, they're going to stay right behind an island
5 on the lee side of the island, and perhaps go right up
6 onto the island, you know, a couple hundred yards out
7 there and walk around, look for seashells, something
8 like that. Anyway, I'm heading across Chokoloskee Bay,
9 I'm giving a narration and wind started picking up,
10 some gusts, and in four, five minutes time some large
11 swells start coming. And a male passenger I had
12 forward, he said Captain, I think that canoe over there
13 is in trouble. And I look over and the man and the
14 wife and the child were in the water. And they're
15 waving paddles.

16 I said, sir, I'm going to have to dock --
17 I've got to -- my words, if I remember, I said, I'm
18 going to have to implement your help. Would you
19 cooperate with me? You bet, Captain, whatever you need
20 to do. I said folks, let's just remain calm, we're
21 going to -- we need to do a rescue effort here. Now I
22 just turned the boat out of the channel, I was a little
23 bit unsure about my depth, but I said I've got to sit
24 back and make it over. And I made it, went about 75,
25 100 yards and we made it over, and I put the boat where

1 the couple and the son would be on the lee side, and
2 with the help of the passengers, we put this couple and
3 the boy aboard the boat. And then the gentleman that I
4 just adopted as a mate, we lifted that canoe, and the
5 people were just laying in the boat exhausted. I just
6 turned the boat, and I made a note where I left the
7 channel, I thought if I made it from the channel to
8 here and didn't go aground, it's the exact route I'm
9 going to take back. And very slowly ... made it back
10 to the channel, and these people were wet, cold, and I
11 went right back to the Park basin.

12 Now, as I'm approaching the Park basin, I see
13 Sammy Senior over on the wall. He was walking hard,
14 you know, and throwing his arms, yelling at another
15 Captain or whatever, and but -- whatever he's got to
16 say I'll deal with it later, I'm going to get the boat
17 in and help this couple off and Sammy Hamilton pulled
18 me off to the side and in direct words said, Captain
19 Daniel, you're operating a god-damn passenger boat and
20 you're not a rescue boat. You understand me? And my
21 reply was, Mr. Hamilton, if there's a boat in distress,
22 I'm going to do a rescue, and if you don't like it I'll
23 go get my bag and step off the boat. So we've got that
24 clear understanding.

25 Damn it, I'm trying to run a business around

1 here. And he stammered off, and then I took a walk and
2 cooled myself down and got cooled enough down to where
3 I took another ride out and -- you know, about a half
4 hour. I hope that was your question.

5 MR. WALSH: Could I ask a quick question?
6 It's a pretty normal route to basically go the channel
7 adjacent to the airport and then out pass to Indian
8 Key, a little bit of the Gulf of Mexico and back? That
9 is the most common route, but at times the Captains
10 would deviate, go out further into the Gulf of Mexico
11 and come in Sandfly Pass. Who makes that determination
12 of when you will do that, and why?

13 CAPTAIN MAYE: Now, me, myself, from what I
14 understand from Stanford Daniels is that you really
15 have to know that water around Sandfly Pass to navigate
16 it, and I don't. I've never been to Sandfly Pass. But
17 I know on a couple of occasions when Stanford Daniels
18 has been Captain, that as an alternative, he would go
19 to Sandfly Pass and back. He was raised in that area,
20 he knows the waters. As far as my knowledge, as far as
21 the Captains we have on staff right now, he's the only
22 one I know that has navigated a deviation.

23 Now, on the Indian Key passage, you know,
24 what I try to do, I try to -- people like my narration,
25 they like the mangrove story, but if you've got young

1 kids, they want to see dolphins, and I try to find
2 dolphins as soon as I can along the trip, if possible.
3 I keep a sharp eye out because that fulfills the
4 youngsters' need for wanting to see the dolphins. But
5 I have went as far as number one out there to try and
6 locate dolphins, but I don't like going out that far.
7 And so if can encounter them before then -- and number
8 one channel marker to Indian Pass is the first channel
9 marker outbound, just for your references. It starts
10 at number one, then increments are higher as you come
11 more inbound.

12 MR. WALSH: Turning to another quick
13 question, and you don't have to elaborate so much -- is
14 it your opinion that -- and I've seen this common as
15 what happens with the issue with trying to -- the
16 dolphins to swim in the wake of the boats for the
17 enjoyment of the visitor -- in choppy seas, moderate to
18 choppy seas, is it common that it's so important to get
19 those dolphins to swim in the wake of the boat that you
20 jeopardize a little bit of safety -- not even so much
21 by yourself, but by any of the Captains?

22 CAPTAIN MAYE: Are you asking me if they go
23 to a little bit of extreme for the enjoyment of the
24 crowd? No, I don't, I feel, personally, from the
25 Captain's standpoint, if the Marine Safety Office has

1 done all those stability tests aboard that boat, filled
2 those water barrels, put them all different areas on
3 that boat that 300 percent overexceeded the capacity of
4 the boat over on one side or the other, then when I get
5 aboard the boat, if I know it's under their
6 jurisdiction, I feel comfortable I've got a good ride
7 underneath me.

8 Now, am I going to do some things with the
9 boat to let dolphins jump in moderate to heavy seas?
10 No. I think it's -- could possibly be stress on the
11 hull, and also it's an uncomfortable ride for the
12 passengers. They're not going to be able to have very
13 much enjoyment watching dolphins if I'm jumping them
14 out of their seats four foot, hit the bottom every
15 swell. So I guess the answer to that, no, I don't
16 think the Captains there have jeopardized the safety of
17 the boat for enjoyment of the dolphins. I think
18 there's a fine line there and I think the Captains
19 there are the top --

20 (Change of tape.)

21 MR. FORD: To your question, -- did you get
22 the speed? I'm sorry.

23 CAPTAIN MAYE: I'm going to say like 12 to 15
24 knots, probably.

25 MR. WALSH: Max. Maxed out.

1 CAPTAIN MAYE: Well, with a lighter load,
2 maybe 17 to 18 knots. Weekend loads, you've got it all
3 the way, maybe 12 to 14.

4 MR. WALSH: Normal operating?

5 CAPTAIN MAYE: About five to six.

6 MR. WALSH: So when you said earlier you had
7 it at half throttle, that's six, seven, and if you're
8 going to really bring it up it's going to go to 14?

9 CAPTAIN MAYE: Yes, ten, 12, something like
10 that. And those are just estimates, and in knots, not
11 miles per hour.

12 MR. FORD: You were talking about putting
13 trust in a stability test. Are you aware of any
14 stability tests on the Panthers -- either one of them?

15 CAPTAIN MAYE: No, I just know that -- you
16 know, when you do an application for your license,
17 there's training and how the stability tests are
18 conducted, I recall that it's conducted with water
19 barrels and they're placed at different areas, you know
20 lots of hundreds of percent beyond expectation.

21 MR. WALSH: Let me -- I want to get on that
22 again a little bit. If I were to tell you that because
23 of the year of those boats and the type of boats they
24 are that if I came to you and with your boss and said,
25 you know, we're lucky, those boats are grandfathered in

1 those certain situations, and they don't require
2 stability tests, they're grandfathered from that.
3 Would that make you feel okay for those operations, or
4 would that make you thankful to say, well, great we're
5 lucky or we'll have to be more cautious or would it
6 make you more apprehensive? How would that make you
7 think for your operations?

8 CAPTAIN MAYE: It would make me feel very
9 uneasy. Also I think if the owner came to me with
10 that, it would send red flags up all over. The
11 information I received on the seating capacity of those
12 boats came from other Captains. They have my welfare
13 in their best intent, you know. Things that I tell
14 them about a boat, they're going to take to heart.
15 Things -- the information they give me -- it's a
16 camaraderie. But if an owner came and said you know,
17 this boat is not subject to stability tests, it's
18 grandfathered -- now that would send some red flags up.
19 That it would make me think, are you telling me that
20 we have a commercial passenger vessel here in service,
21 and it is not subject to a Marine Safety Officer's
22 stability test or inspection? I would be very
23 questioning about that kind of remark. Am I answering
24 your question right or --

25 MR. WALSH: In my mind and for other

1 purposes, it's a two pronged question, so yes. You
2 want to go now?

3 MR. FORD: I wanted to just follow up with --
4 I tried to contact the owner -- I talked to him
5 yesterday, and he would not be here. He would be a
6 party, or is a party to this NTSB investigation. If we
7 call you back, would you be comfortable sitting with
8 the owner and talking? I wouldn't go through the
9 entire questioning again, if it's something you'd like
10 to think on, please do. We may want to call you back
11 and talk to you again with or without the owner. The
12 owner may just try to completely ignore us the rest of
13 the way. I don't know at this point.

14 CAPTAIN MAYE: I feel at this point that --
15 at this day and time, I'm not in an adversarial
16 position towards the management. So in that regards,
17 no, I would not have any problem with them being in
18 attendance. If it's some point that I feel some very
19 distinct adversarial roles, you know, have been
20 established, I may reconsider that. At the present
21 time until facts are really brought out about the cause
22 and as this investigation moves forward, at this time I
23 have no adversarial position towards the man until I
24 see more facts.

25 MR. FORD: And you're going to be remaining

1 in the area then? You're not -- okay, we have your
2 phone number and everyone appreciates your showing up.
3 If everyone is all wrapped up, thank you very much,
4 sir. Bye.

5 CAPTAIN MAYE: Bye, thank you.

6 (Whereupon, the interview in the above
7 captioned matter was concluded.)

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